

PATRICIA CRONE & MARTIN HINDS

GOD'S CALIPH

**Religious authority in the
first centuries of Islam**



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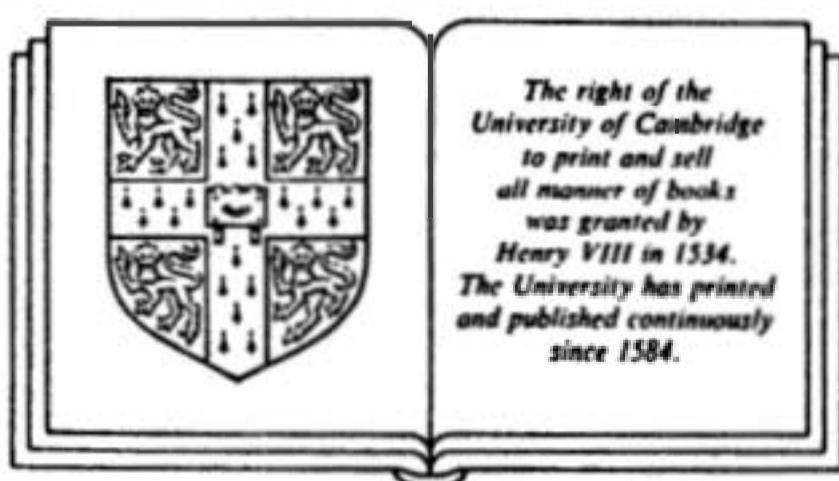
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1

Introduction

What was the nature of the early caliphate? Islamicists generally believe it to have been a purely political institution. According to Nallino, no caliph ever enjoyed religious authority;¹ according to other Islamicists, some caliphs did lay claim to such authority, but only by way of secondary development and only with limited success². In what follows we shall challenge this belief. It is of course true that religious authority was the prerogative of scholars rather than of caliphs in classical Islam, but we shall argue that this is not how things began. The early caliphate was conceived along lines very different

authority being concentrated in it; it was the caliph who was charged with the definition of Islamic law, the very core of the religion, and without allegiance to a caliph no Muslim could achieve salvation. In short, we shall argue that the early caliphate was conceived along the lines familiar from Shī'ite Islam.

The conventional Islamicist view of the caliphate is that enshrined in the bulk of our sources. Practically all the literature informs us that though the Prophet was God's representative on earth in both political and religious matters, there ceased to be a single representative in religious matters on the Prophet's death. Political power passed to the new head of state, the caliph; but religious authority remained with the Prophet himself or, differently

1 C. A. Nallino, 'Appunti sulla natura del "Califato" in genere e sul presunto "Califatoottomano"', in his *Raccolta di scritti editi e inediti*, vol. III, Rome 1941; compare also T. W. Arnold, *The Caliphate*², London 1965, p. 14.

2 Thus T. Nagel, *Rechtleitung und Kalifat*, Bonn 1975; D. Sourdel, 'L'autorité califiale dans le monde sunnite' in G. Makdisi, D. Sourdel and J. Sourdel-Thomine (eds.), *La notion d'autorité au moyen âge: Islam, Byzance, Occident*, Paris 1982, pp. 105f; G. Rotter, *Die Umayyaden und der zweite Bürgerkrieg (680-692)*, Wiesbaden 1982, pp. 34, 52, 248ff.

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those men who remembered what he had said. These men, the Companions, transmitted their recollection of his words and deeds to the next generation, who passed it on to the next, and so forth, and whoever learnt what the Prophet had said and done acquired religious authority thereby. In short, while political power continued to be concentrated in one man, religious authority was now dispersed among those people who, owing their authority entirely to their learning, came to be known as simply the '*ulamā'*, the scholars. As it happened, however, the first three caliphs (Abū Bakr, 'Umar, 'Uthmān) were themselves Companions, so that in practice religious and political authority continued to be united, if no longer concentrated, in the head of state, and during this period the caliphs could and did issue authoritative rulings on law. But though the fourth caliph ('Alī) was also a Companion and moreover a kinsman of the Prophet, he failed to be generally accepted, and on his death the caliphate passed to men who had converted late and unwillingly (the Umayyads), so that the happy union of religion and politics now came to an end. Caliphs and '*ulamā'* went their separate ways, to be briefly reunited only under the pious 'Umar II.

Most Shī'ites disagree with this view. According to the Imāmīs and related sects, the legitimate head of state ('Alī) inherited not only the political, but also the religious authority of the Prophet. In practice, of course, the legitimate head of state after 'Alī was deprived of his political power by his Sunnī rivals, so that he could only function as a purely religious leader of his Shī'ite following; but in principle he was both head of state and ultimate authority on questions of law and doctrine in Islam.

Modern Islamicists however generally regard the Shī'ites as deviant. Some take them to have started off as adherents of a political leader who was not, at first, very different who was gradually transformed into a religious figurehead.³ Others believe them to have elevated their leader into a religious figurehead from the start, but to have done so under the influence of foreign ideas, their model being the supposedly charismatic leadership of pre-Islamic south Arabia.⁴ Either way, it is the Shī'ites, not the Sunnīs, who are seen as having diverged from the common pattern.

It certainly makes sense to assume that Sunnīs and Shī'ites started

3 Thus for example B. Lewis, *The Arabs in History*⁴, London 1966, p. 71.

4 Thus W. M. Watt, *Islam and the Integration of Society*, London 1961, pp. 105f.; repeated by Watt in numerous other publications; accepted by Nagel, *Rechtsleistung*, pp. 45f.

with a common conception of the caliphal office; and given that we owe practically all our sources to those who were in due course to become the Sunnī majority, it is not surprising that we automatically assume this conception to have been of the Sunnī rather than the Shī'ite type. There is, however, much evidence to suggest that this is a mistake.

2

The title *khalīfat Allāh*

We take as our starting point the well known fact that the Umayyads made use of the title *khalīfat Allāh*,¹ an expression which we along with many others understand to mean 'deputy of God'.

This translation is scarcely in need of much defence. A *khalīfa* is somebody who stands in the place of another, that is a deputy or a successor depending on whether the other is absent or dead; since the Muslims assumed God to be alive, *khalīfat Allāh* cannot mean 'God's successor'. However, in order to accommodate the conventional view that the caliphate is succession to Muhammad rather than deputyship on behalf of God, Goldziher construed it as meaning 'successor (of the prophet approved) by God',² and this interpretation has found favour with some. It might now be defended with reference to Paret's conclusion that Qur'ānically *khalīfa* means successor.³ Two Qur'ānic verses were customarily invoked by those who called themselves *khalīfat Allāh*, that is 2:28, in which God announces that 'I am placing a *khalīfa* on earth' with reference to Adam, and 38:25,

1 Cf. I. Goldziher, *Muslim Studies*, London 1967–71, vol. II, p. 61 of the original pagination; *id.*, 'Du sens propre des expressions Ombre de Dieu, Khalife de Dieu pour désigner les chefs dans l'Islam', *Revue de l'Histoire des Religions* 35 (1897); D. S. Margoliouth, 'The Sense of the Title *Khalīfah*' in *A Volume of Oriental Studies Presented to E. G. Browne*, Cambridge 1922; E. Tyan, *Institutions du droit public musulman*, vol. I (*Le califat*), Paris 1954, pp. 202, 439ff; H. Ringgren, 'Some Religious Aspects of the Caliphate', *Studies in the History of Religions* (supplements to *Numen*), IV: *The sacral kingship, la regalità sacra*, Leiden 1959; W. M. Watt, 'God's Caliph: Qur'ānic Interpretations and Umayyad Claims' in *Iran and Islam*, ed. C. E. Bosworth, Edinburgh 1971; R. Paret, 'Khalīfat Allāh – Vicarius Dei: ein differenzierender christ A. Abel), Leiden 1974. It is with some surprise that one notes Hitti's claim that 'such extravagant titles as *khalīfat Allāh*... were evidently first bestowed on al-Mutawakkil' (P. K. Hitti, *History of the Arabs*?, London 1961, p. 317).

2 Goldziher, 'Du sens propre', p. 337.

3 R. Paret, 'Signification coranique de *Khalīfa* et d'autres dérivés de la racine *Khalasa*', *Studia Islamica* 31 (1970).

in which He tells David that 'we have made you a *khalīfa* on earth';⁴ if Paret is right that *khalīfa* invariably means successor in the Qur'ān, and if the title *khalīfat Allāh* was actually coined with reference to these verses, then the title ought indeed to mean 'God's successor' in the sense of 'successor appointed by Him' as Goldziher suggested. But plainly it did not. Leaving aside the fact that there were exegetes who disagreed with Paret⁵ and that the provenance of the title is unknown, the texts leave no doubt that *khalīfat Allāh* as applied to the head of state was understood to mean 'deputy of God'. As Watt notes, there are passages in both poetry and prose which militate against Goldziher's interpretation;⁶ paraphrastic titles such as *amīn Allāh*, 'trustee of God', *rā'ī Allāh*, 'shepherd of God', *sultān Allāh*, 'the authority of God' or *nā'ib Allāh*, 'lieutenant of God' also make it unlikely that *khalīfat Allāh* meant anything but 'deputy of God';⁷ and so does the general tenor of the sources, as will be seen. Moreover, since 'Uthmān, the first caliph for whom the title *khalīfat Allāh* is securely attested, was also known as *amīn Allāh*, there is no reason to assume that *khalīfat Allāh* only acquired its exalted meaning in the course of its evolution;⁸ we may take it that it meant 'deputy of God' from the start.

Now 'deputy of God' is a title which implies a strong claim to religious authority. This is why we are interested in it, and we wish to begin by establishing three basic points. First, it is attested not

4 If *khalīfa* means successor here, Adam was a successor to angels or *jinn* and David to some previous king.

5 Cf. Watt, 'God's Caliph', p. 566, where some exegetical views are cited. Al-Baydāwī also accepts that *khalīfa* means deputy, adding that every prophet was a deputy of God (*Anwār al-tanzūl wa-asrār al-ta'wīl*, Istanbul n.d., vol. 1, p. 64, *ad* 2:28), and the same interpretation is implied in the stories in which 'Umar I and 'Umar II reject the title of *khalīfat Allāh* on the ground that it refers exclusively to prophets such as David (cf.

the exegetes exercised great ingenuity to avoid the interpretation of *khalīfa* as 'deputy' for political reasons, opting for far-fetched interpretations such as that of 'posterior' or 'successor' instead (W. M. Watt, *The Formative Period of Islamic Thought*, Edinburgh 1973, p. 84; the far-fetched interpretation is that adopted by Paret). But what bothered an exegete such as al-Tabāṭib was clearly not politics, but rather the incompatibility of 2:28 with the doctrine of prophetic *īsma*: how could a deputy of God, viz. a prophet, be said to 'act corruptly and shed blood'? (cf. *id.*, 'God's Caliph', p. 566).

6 Watt, 'God's Caliph', p. 571; *id.*, *Formative Period*, p. 84. In what follows we shall translate *khalīfat Allāh* as 'deputy of God' or leave the expression untranslated; the reader may judge for himself how many times 'successor of the Prophet approved by God' would be a felicitous rendition.

7 Cf. the index.

8 Cf. Watt, *Formative Period*, p. 84, where this possibility is left open. For 'Uthmān as *amīn Allāh* see below, note 85.

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just for some Umayyad caliphs, but for all of them, or more precisely for all of those who lived to rule for more than a year; secondly, it was an official designation of the Umayyad head of state, not just a term of flattery; and thirdly, it was well known to be what the title of *khalīfa* stood for when used on its own.

1 Attestations per caliph

Note: In order not to clutter the text we give only short references here; full bibliographical details are given in the list of works cited. We should like to acknowledge our debt to Tyan, whose *Califat* provided us with many of our attestations.

(1) 'Uthmān

- (a) 'I am the servant of God and His deputy' (*Aghānī*, vol. xvi, p. 326; *Iqd*, vol. iv, p. 301¹⁹).
- (b) 'I beseech you by God and remind you of His right and the right of His *khalīfa*' (*Aghānī*, vol. xvi, p. 325).
- (c) 'Perhaps you will see the *khalīfa* of God among you as he was, one day in a place of joy' (Iḥassān b. Thābit, no. 20: 10; cf. 'Arafat, 'Background', pp. 276ff.).
- (d) 'The deputy of God, he gave them and granted them what there was of gold, vessels and silver' (*Laylā al-Akhyaliyya*, no. 27: 2).
- (e) 'They were brought something which cancels the duty to avenge a deputy of God's (*khalīfar⁴ līllāh*, Naṣr b. Muzāḥim, *Waq'at Sifīn*, p. 229).

(2) Mu'āwiya

- (a) 'The earth belongs to God and I am the deputy of God' (Bal., *Ans.*, vol. iv/a, p. 17 = vol. iv/1, p. 20, §63; Mas., *Murūj*, vol. iii, §1861 = v, pp. 104f).
- (b) 'Your brother, Ibn Ḥarb, is the deputy of God and you are his vizier' (Ḥāritha b. Badr to Ziyād b. Abīhi in Tab., ser. ii, p. 78).
- (c) 'You have lost the *khalīfar Allāh* and been given the *khilāfar Allāh*' ('Aṭā' or 'Āṣim b. Abī Ṣayfī to Yazīd I on Mu'āwiya's death in Jāḥiẓ, *Bayān*, vol. ii, p. 191; Mas., *Murūj*, vol. iii, §1912 = v, p. 152; *Iqd*, vol. iii, p. 309¹⁹).
- (d) 'Mu'āwiya b. Abī Sufyān was a servant whom God deputed

(*istakhlaṣahu Allāh*) over the servants... and God... has now invested us with what he had' (Yazīd I in Ibn Qutayba, *Imāma*, p. 190).

(e) Mu'āwiya preferred his son Yazīd for *khilāfat Allāh 'alā 'ibādihi* (al-Mu'taqid in Ibn Abī 'l-Ḥadīd, *Sharḥ*, vol. xv, p. 178, citing Ṭabarī; but Tab., ser. iii, p. 2173¹², gives a different version).

(3) *Yazīd I*

(a) Cf. above, 2, c,d,e.
 (b) *Imām al-muslimīn wa-khalīfat rabbal-ālamīn* (Muslim b. 'Uqba in Ibn Qutayba, *Imāma*, p. 203, cf. p. 202: 'I hope that God, exalted and mighty is He, will inspire His *khalīfa* and 'abd with knowledge of what should be done').
 (c) 'Woe to you who have separated from the *sunna* and *jamā'a* and who have disobeyed the deputy of God' (Syrians to Ḥāshimites in Ḥamza al-Īṣfahānī, p. 217).

(5) *The Sufyānids in general*

(a) 'O people of Jordan, you know that Ibn al-Zubayr is in a state of dissension, hypocrisy and disobedience against the caliphs of God' (Ḥassān b. Mālik b. Bahdal in *Iqd*, vol. iv, p. 395¹³).
 (b) The Umayyads in the presence of Mu'āwiya are addressed as *banī khulafā' Allāh* (*Aghānī*, vol. xx, p. 212; al-Tilbānī, 'Miskīn al-Dārimī', p. 185).

(5) *Marwān I*

No direct attestation.

(6) *'Abd al-Malik*

(a) For the coinage of 'Abd al-Malik's reign which refers to *khalīfat Allāh*, see Walker, *Catalogue*, vol. ii, pp. 28, 30f (bronze coins, undated (but see below, chapter 3, note 1)); vol. i, p. 24; Miles, 'Mihrāb and 'Anazah', p. 171; and *id.*, 'Some Arab-Sasanian and Related Coins', p. 192 (*mihrāb* and '*anaza* dirhams, undated); Walker, *Catalogue*, vol. i, p. 25 and Salmān, 'Dirham nādir', pp. 163ff. (Khusraw II plus standing caliph dirham, dated 75).

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- (b) For the stories in which al-Hajjāj deems God's *khalīfa* superior to His *rasūl* with reference to 'Abd al-Malik, see below, chapter 3, pp. 28f.
- (c) 'To the servant of God, the Commander of the Faithful and *khalīfat rabb al-ālamīn*' (letter from al-Hajjāj to 'Abd al-Malik in *Iqd*, vol. v, p. 2512).
- (d) 'God, exalted is He, has said, "fear God as much as you can" (64:16). This is [due] to God... Then He said, "hear and obey" (also 64:16). This [obedience is due] to the servant of God, the *khalīfa* of God and the noble one/beloved (*najīb/ḥabīb*) of God, 'Abd al-Malik' (speech by al-Hajjāj in *Mas.*, *Murūj*, vol. iii, § 2088 = v, p. 330; *Iqd*, vol. iv, p. 117; cf. Abū Dāwūd, *Sunan*, vol. ii, p. 514, and the mangled version in Ibn 'Asākir, *Tahdhīb*, vol. iv, p. 72, in which the caliphal epithets are reduced to *amīr al-mu'minīn*).
- (e) 'You thought that God would betray His religion and His *khilāfa*' (al-Hajjāj after Dayr al-Jamājim in *Iqd*, vol. iv, p. 116^a; *Mas.*, *Murūj*, vol. iii, § 2066 = vol. v, p. 305).
- (f) 'God, mighty and exalted is He, has deputed the Commander of the Faithful 'Abd al-Malik over His lands (*isṭakhlafahu Allāh*) and been satisfied with him as imam over His servants' (speech by al-Hajjāj in Ibn Qutayba, *Imāma*, p. 233).
- (g) 'The earth belongs to God who has appointed His *khalīfa* to it' (Farazdaq, vol. i, p. 25^b).
- (h) 'Ibn Marwān is on your hump, the *khalīfa* of God who has mounted you' (camel-driver's song in *Aghānī*, vol. xvi, p. 183; a variant version refers to al-Walīd I, cf. below).
- (i) 'God has garlanded you with *khilāfa* and *hudā*' (Jarīr, p. 474^b).
- (j) 'The caliph of God through whom rain is sought' (al-Akhṭal, *Diwān*, p. 101^b; also cited in *Aghānī*, vol. xi, p. 66).
- (k) *Khalīfat Allāh al-murajjā* (al-'Abbās b. Muḥammad in *Aghānī*, vol. xxiv, p. 217, probably with reference to 'Abd al-Malik).
- (l) 'The deputy of God on his *minbar*' (Ibn Qays al-Ruqayyāt, no. 1:17 (p. 70)).
- (m) *Khalīfat al-Rahmān* (*Rā'ī*, pp. 228⁴¹, 229⁴⁷, variants; the text has *walī amr Allāh*).

(7) al-Walīd I

- (a) For the stories in which Khālid al-Qasrī deems God's *khalīfa* superior to His *rasūl* with reference to al-Walīd I, see below, chapter 3, p. 29.

- (b) *Fa-anta li-rabb al-ālamīn khalīfa* (Jarīr, p. 384⁸).
- (c) 'You are the shepherd of God on earth' (Farazdaq, vol. i, p. 312¹).
- (d) 'The caliph of God through whom clouds of rain are sought' (Nābighat B. Shaybān, p. 28⁴).
- (e) 'The *khalīfa* of God through whose *sunnā* rain is sought' (Akhtal, p. 185⁶).
- (f) 'The *khalīfa* of God who has mounted you' (Al-Walīd to his camel in *Iqd*, vol. iv, p. 424, a variant of 6 (h); cf. Ibn 'Asākir, *Tahdhīb*, vol. iii, p. 398, where it is Jamīl who says it of al-Walīd I).

(8) *Sulaymān*

- (a) 'The *khalīfa* of God through whom rain is sought' (Farazdaq, vol. i, p. 361⁶. Note also Jarīr, p. 35⁸, where Ayyūb, the son of Sulaymān is prematurely described as *khalīfa li'l-Rahmān*).
- (b) 'My heir apparent among you and my successor among all of those over whom God has deputed me (*islakhlafanī Allāh*) is... 'Umar' (Sulaymān's testament in Ibn Qutayba, *Imāma*, p. 308; in this document Sulaymān styles himself *khalīfat al-muslimīn*, cf. p. 307).

(9) *'Umar II*

- (a) 'The *khalīfa* of God, and God will preserve him' (Jarīr, p. 274⁸; the title is mentioned again at p. 275⁸).
- (b) 'The one who sent the Prophet has placed the *khilāfa* in the just imam' (Jarīr, p. 415⁸).

(10) *Yazīd II*

- (a) 'Yazīd b. 'Abd al-Malik is the deputy of God; God had deputed him over His servants... and he was appointed me to what you see' (Ibn Hubayra in Mas., *Murūj*, vol. iv, §2210 = v, p. 458; Ibn Khallikān, vol. ii, p. 71).
- (b) *Khalīfat Allāh* (Jarīr, p. 256⁸).

(11) *Hishām*

- (a) For stories in which the deputy and the messenger of God are compared with reference to Hishām, see below, chapter 3, p. 29.

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- (b) 'and Hishām, the deputy of God' (al-'Abalīn *Aghānī*, vol. xi, p. 305).
- (c) 'You are using abusive words for all that you are God's deputy on earth' (visitor to Hishām in Ibn Kathīr, *Bidāya*, vol. ix, p. 351).
- (d) 'You have lied to *khalīfat al-Raḥmān* concerning it' (al-Farazdaq or al-Mufarrigh b. al-Muraqqā' in *Aghānī*, vol. xxii, p. 21).
- (e) *al-imām khalīfat Allāh al-riḍā 'l-humām* (Hafṣ al-Umawī in Ibn 'Asākir, *Tahdhīb*, vol. iv, p. 392).
- (f) Note also *khalīfat ahl al-ard*, *khalīfat al-anām* (Farazdaq, vol. i, p. 165⁷, vol. ii, p. 830¹⁸); compare Sulaymān's *khalīfat al-muslimīn* (above, 8,b).

(12) *al-Walīd II*

- (a) Cf. the letter translated below, appendix 2, pp. 116ff., in which the caliphal institution is identified as deputyship on behalf of God and the caliphs are referred to as *khulafā' Allāh*.

(13) *Yazīd III*

- (a) Cf. the letter translated below, appendix 2, pp. 126ff., in which Yazīd III identifies all Umayyad caliphs up to and including Hishām as *khulafā' Allāh*; by implication he brackets himself with them.

(14) *Marwān II*

- (a) Cf. the letter in which Marwān (not yet caliph) states that 'this caliphate is from God' (Tab., ser. ii, p. 1850).
- (b) 'God's religion and His *khilāfa*' (Marwān in a letter (penned by 'Abd al-Ḥamīd b. Yaḥyā) in Ṣafwat, *Rasā'il*, vol. ii, p. 474, citing Ibn Tayfūr, *Ikhlāṣ yār al-manzūm wa'l-manthūr* and other sources).
- (c) 'And in disobedience to the deputy of God a Muslim continually strikes with the sword in his hand that of his brother' ('Abd al-Ḥamīd b. Yaḥyā with reference, probably, to Marwān II, in his 'Risāla fī'l-fitna' in *al-Tadkhīra al-ḥamdūniyya*, bāb 31). Cf. below, chapter 3, note 14, where 'Abd al-Ḥamīd speaks of God's *rasūl* and *khalīfa*.

(d) Cf. also the reflection of *khalīfat* where Dāwūd b. 'Alī denounces Marwān as *khalīfat* (Ya'qūbī, vol. ii, p. 420, has *ḥalīf al-shayṭān*, obviously a corruption.)

(15) *The Marwānids in general*

(a) Thābit Qūṭna refers to *īā'at al-Rāḥmān aw khulafā'ihī* (Aghānī, vol. xiv, p. 271). Cf. also above, 12 and 13.

(16) *The Umayyads in general*

(a) According to al-Madā'īnī, the Syrians called all their children Mu'āwiya, Yazīd and al-Walīd 'after the caliphs of God' (Pellat, 'Culte de Mu'āwiya', p. 54).

2 The official nature of the title

That *khalīfat Allāh* was an official title of the Umayyad head of state is clear from the attestations given already. It was not of course the title commonly used for purposes of address and reference to individual Umayyad caliphs. For such purposes *amīr al-mu'minīn*, 'commander of the faithful', was adopted, and this title is far more densely attested in the sources than *khalīfa*; indeed, in the non-Muslim sources *khalīfa*

the official designation of the caliph's function,¹⁰ and what the attestations just given show is that it stood for *khalīfat khalīfat*

khalīfat

it did not stay on the coinage for long,¹¹ the Umayyads continued

9 According to Brock, it is only attested once in Syriac literature, and that in a late source: 'Uthmān is addressed as 'caliph of the prophet of God' in the *Chronicle ad 1234* (S. P. Brock, 'Syriac Views of Emergent Islam' in G. H. A. Juynboll (ed.), *Studies on the First Century of Islamic society*, Carbondale and Edwardsville 1982, p. 14 and note 33 thereto). The only Syriac attestation thus renders the classical *khalīfat rasūl Allāh*.

10 Similarly, the official designation of the function of a French parish priest is *cure*, but his parishioners will usually address him as *père* and refer to him as *le père*. In his letter regarding the succession al-Walid II refers to the caliphs as *khulafā'* when he describes their history, function and importance, but switches to *amīr al-mu'minīn* when he addresses his subjects directly (cf. below, appendix 2).

11 The fact that it disappeared from the coinage does not mean that 'Abd al-Malik repented of having called himself *khalīfat* regarding the kind of propaganda he wished the coinage to make.

to spell out *khalīfa* as *khalīfat Allāh* in their public statements until the very end of the period: for all their political differences, al-Walīd II, Yazīd III and Marwān II were at one on this point. The appearance of *khalīfat Allāh* and variations on this title in court poetry thus reflects official usage, not poetic inventiveness. Leaving aside a reference to 'Uthmān in a thirteenth-century Syriac source, *khalīfat rasūl Allāh* is not attested for the Umayyads at all.¹²

3 *Khalīfa = khalīfat Allāh*

It was not just the Umayyads and their poets who took *khalīfa* to stand for *khalīfat Allāh* when applied to the head of state; apparently everybody did so. Thus Yazīd b. al-Muhallab, in a letter to the caliph Sulaymān, refers to 'Umar b. al-Khaṭṭāb wa-'Uthmān b. 'Affān wa-man bā' dahu mā min khulafā' Allāh, 'Umar, 'Uthmān and the deputies of God after them', in a completely matter-of-fact way implying that all caliphs were *ipso facto* deputies of God.¹³ This agrees with the fact that even an anti-caliph such as Ibn al-Zubayr was referred to in poetry as *khalīfat al-Raḥmān*.¹⁴ On the Khārijite side we have the ferocious speech delivered by Abū Ḥamza in the 740s in which the iniquitous behaviour of Yazīd II (and other Umayyad caliphs) is described with the sarcastic comment, 'is such supposed to be the distinguishing characteristic of *khulafā' Allāh*?'¹⁵ It is not clear whether Abū Ḥamza held even righteous rulers to be deputies of God, but one would certainly infer from this that, like others, he held the title of *khalīfa* to stand for *khalīfat Allāh*.¹⁶ On the Shī'ite side

12 Cf. above, note 9.

13 Tab., ser. iii, p. 1334.

14 *Wakī', Akhbār al-quḍāh*, ed. 'A.-'A. M. al-Marāghī, Cairo 1947–50, vol. i, p. 263; *Aghānī*, vol. iv, p. 400.

15 Cf. below, appendix 3, section 9.

16 'Deputy of God' is not an appropriate title for a Khārijite ruler, and at some stage the Khārijites duly rejected the caliphal title altogether (cf. E. A. Salem, *Political Theory and Institutions of the Khārijī*, Baltimore 1956, pp. 52f.). But apparently they retained it throughout the Umayyad period. Thus we are told that Qaṣārī b. al-Fujā'a had been acknowledged as caliph (*al-Dhahabī*, *Siyar a'lām al-nubalā'*, ed. Sh. al-Ama'ūt and others, Beirut 1981–, vol. iv, p. 152; that he had been known as *amīr al-mu'minīn* is numismatically attested, cf. Walker, *Catalogue*, vol. ii, pp. 112f., and well known to the literary tradition). And of Abū Ḥamza himself we are told that he gave allegiance to 'Abdallāh b. Yaḥyā 'alā 'l-khilāfa' (Tab., ser. ii, p. 1943; *Aghānī*, vol. xxiii, p. 227). There is nothing to suggest that he or any other Khārijites took the title to stand for something other than *khalīfat Allāh* among themselves: 'do you not see how the deputyship of God and the imamate of the Muslims have been destroyed?', as Abū Ḥamza exclaims in Ibn Ḥāfi 'l-Ḥadīd's version of his speech (below, appendix 3, note 8).

the title is well attested too, as will be seen.¹⁷ Finally, there is a story to the effect

Allāh fī 'l-ard.¹⁸ This story is unlikely to be true,¹⁹ and it may not even date from the Umayyad period. But however this may be, the point which matters here is that 'Umar II singles out his name, *kunya* and the title *amīr al-mu'minīn* as alternative forms of address, not *khalīfat rasūl Allāh*; to the author of this story *khalīfa* apparently also equalled *khalīfat Allāh* so that 'Umar had to reject the caliphal title altogether.

Having established our three points for the Umayyads, we should now like to point out that they hold true for the 'Abbāsids too. The title *khalīfat Allāh* is attested for Abū 'l-'Abbās,²⁰ al-Maṇṣūr,²¹ al-Mahdī,²² al-Hādī,²³ Hārūn al-Rashīd,²⁴ al-Amīn,²⁵ al-Ma'mūn,²⁶

17 Cf. below, note 57.

18 Ibn 'Abd al-Ḥakam, *Sūrat 'Umar b. 'Abd al-'Azīz*,⁸ ed. A. 'Ubayd, Beirut 1967, p. 54. An apocopated version is cited in al-Qalqashandī, *Šubḥ al-Asḥā*, ed. M. 'A.-R. Ibrāhīm, Cairo 1913-20, vol. v, p. 445.

19 Cf. below, p. 74. Note also that 'Umar II here protests when an anonymous person addresses him as *khalīfat* addressed him as such (cf. above, p. 9). On the contrary, Pseudo-Ibn Qutayba informs us that Jarīr's poem moved him to tears, though it still failed to make him squander money on the poet (*Imāma*, pp. 310f.; similarly *Iqd*, vol. ii, pp. 94ff., though without the tears).

20 His *rawqī* on a letter in which Abū Muslim requests permission to perform the *hajj* says that he will not prevent him from visiting *bayt Allāh al-ḥarām* as *khalīfatihī* (*Iqd*, vol. iv, p. 211¹⁰).

21 Al-Maṇṣūr described himself as *khalīfat Allāh* in a letter of *amān* to 'Abdallāh b. 'Alī (al-Azdī, *Ta'rikh al-Mawṣil*, ed. A. Ḥabība, Cairo 1967, p. 168), and Abū Dāwūd spoke of him and the 'Abbāsids in general as *khulafā' Allāh* (Tab., ser. iii, p. 107). For poetic attestations, see Abū Nukhayla in *Aghānī*, vol. xx, p. 421 (also quoted elsewhere); al-Sayyid al-Ḫlimyārī, *ibid.*, vol. vii, p. 256, where he is *khalīfat al-Raḥmān wa-'l-qā'im* in a poem addressed to al-Mahdī; Marwān b. Abī Ḥafṣa, *ibid.*, vol. x, pp. 86, 91; Mas., *Muṣūd*, vol. iv, §2380 = vol. vi, p. 169, where he is once more *khalīfat al-Raḥmān*; Ibn al-Mawlā in *Aghānī*, vol. iii, p. 299, and al-Mu'ammal in Tab., ser. iii., p. 407; *Aghānī*, vol. xxii, p. 247, both of whom describe al-Mahdī as the son of *khalīfat Allāh*. We owe many of these and other references to F. 'Umar, 'Min alqāb al-khulafā' al-'abbāsiyyīn : *khalīfat Allāh wa-żill Allāh*', *Majallat al-jāmi'a al-mustanṣirīyya* 2 (1971), p. 327; Tyan, *Califat*, p. 446n). For al-Maṇṣūr as *sulṭān Allāh fī ardihī*, see below, chapter 5, note 176.

22 Bashshār b. Burd, *Diwān*, ed. M. al-Tāhir b. 'Āshūr, Cairo 1950-. vol. iii, p. 94 (*khalīfat Allāh bayna 'l-ziqq wa'l-ūd*; cited in *Aghānī*, vol. iii, pp. 243, 245); Ibn al-Mawlā, *Aghānī*, vol. iii, p. 299; below, note 64; cf. also Mas., *Muṣūd*, vol. iv, §2447 = vi, p. 240.

23 Tab., ser. iii, p. 600, ult. (*Allāh . . . khalīfaruhu*); *Aghānī*, vol. xix, p. 285 (*khilāfat Allāh*).

24 Abū 'l-Atāhiya in Tab., ser. iii, p. 687. *Id.* in *Aghānī*, vols. iv, p. 14; xix, p. 74; It Ḳathīr, *Bidāya*, vol. x, pp. 217 (warīḥna rasūl Allāh wa-baqiyat fūnā khilāfat Allāh), 221; *Iqd*, vol. iii, p. 293¹⁶. For Hārūn as *khalīfat Allāh* see also Goldziher,

14 God's Caliph

al-Mu'taṣim,²⁷ al-Wāthiq,²⁸ al-Mutawakkil,²⁹ and al-Muntaṣir,³⁰ that is for every caliph from 750 to 862, and thereafter for al-Mu'tazz in 865,³¹ for al-Muhtadī (d. 870),³² for al-Mu'tamid (d. 892),³³ for al-Mu'taṣid (d. 902), who described all the 'Abbāsids as *khulafā' Allāh*³⁴, for al-Ṭā'i,³⁵ and other caliphs of the Būyid period,³⁶ for

Muslim Studies, vol. II, p. 61n. with reference to the *Arabian Nights*. Compare also Tab., ser. III, p. 663 (*fa-inna 'llāh . . . akramahu min khilāsatihī wa-sulṭānihi*).

25 *Aghānī*, vol. XX, p. 59. According to Qalqashandī, *Šubḥ*, vol. I, p. 415, al-Amīn was the first caliph to be referred to as such [rather than as *amīr al-mu'minīn*] in the Friday prayer, the formula used being *allahu nūnā aṣlih 'abdaka wa-khalīfataka*; al-Amīn was thus *khalīfat Allāh* even in mosques.

26 For *khalīfat Allāh* on al-Ma'mūn's coins, see G. C. Miles, *The Numismatic History of Rayy*, New York 1938, pp. 103f., 106f.; S. Shamma, 'Dirhamān nādirān 'an 'alāqāt dīniyya', *al-Maskūkās* 4 (1973), p. 46; al-Ma'mūn is also *khalīfat Allāh* on dirhams (now in the British Museum) struck in the name of Talba [b. Tāhir] in Samarcand in 208, 209 and 210, in Nishapur in 208 and 209, and in Herat, Zaranj and al-Muhammadīyya in 208 (we are obliged to Nicholas Lowick for this information). He referred to himself as *khalīfat Allāh* in a letter to Tāhir (*Iqd*, vol. IV, pp. 215f.); and Tāhir confirmed that this was indeed what he was (*Aghānī*, vol. XX, p. 54). Al-Ḫusayn b. al-Ḏahbāk described him as *khalīfat al-Rahmān* (*Aghānī*, vol. VII, p. 301); and he himself spoke of *khulafā' Allāh* and *khilāsatuhu fī ardīhi* in his letter announcing the designation of al-Riḍā as his successor (see appendix 4).

27 *Aghānī*, vol. XIX, p. 74; al-Nuwayrī, *Nihāyat al-arab fī sunūt al-adab*, Cairo 1923-, vol. V, p. 148, citing Abū Tammām. Compare also Qalqashandī, *Šubḥ*, vol. VI, p. 402 (*fa-lamni aṣdā' 'llāh ilā amīr al-nu'mānīn khilāsatuhu*).

28 al-Khaṣīb al-Baghdādī, *Ta'rīkh Baghdaḍ*, Cairo 1931, vol. XIV, p. 17 (the one who sent the Prophet Muḥammad gave the *khilāfa* to *al-imām al-muhtasib*); *Aghānī*, vol. IX, p. 284^b (*Allāh . . . khalīfatihī*); he is *khāzin Allāh fī khalqihī*.

29 al-Fākihī, *Akhbār Makka*, Leiden MS. Or. 463, fol. 349b (= F. A. G. Al Dahas, 'A Critical Edition of *Kitāb Akhbār Makka*', Exeter Ph.D. diss. 1983, p. 263): an inscription at Zamzam, originally in the name of al-Mu'taṣim and subsequently in that of al-Mu'tamid, read *amara khalīfat Allāh Ja'far al-imām al-Mutawakkil 'alā 'llāh amīr al-mu'minīn . . .* See also *Aghānī*, vol. XXIII, p. 212^b (cf. also p. 210^b).

30 Tab., ser. III, p. 1475 ('*abd Allāh wa-khalīfatuhu*).

31 Tab., ser. III, p. 1546 ('*abd Allāh wa-khalīfatuhu*: there is a close resemblance between the language of this *bay'a* and that of the *bay'a* to al-Muntaṣir). Note also the reference in a document of the same year, in connection with al-Muṣṭaṣir, to the fact that God had made *khilāsatuhu li-dīnihi 'ismā' wa-lāzīat khulafā'ihi fardūn wājibūn 'alā kāffat al-umma*, *ibid.*, p. 1565).

32 Ibn Taghribirdī, *al-Nujūm*
caliph is told by a Ḥāshimite "anta khalīfat rabb al-ālamīn wa-bn 'amm sayyid al-mursafīn."

33 Fākihī, *Makka*, MS. fol. 352b (= Al Dahas, p. 272; *amara khalīfat Allāh Aḥmad al-imām al-Mu'tamid 'alā 'llāh amīr al-mu'minīn . . .* (inscription at al-Masjid al-Ḥarām)).

34 Tab., ser. III, p. 2177.

35 Al-Ṭā'i is described as *al-imām hujjar Allāh 'alā khalqihī wa-khalīfatuhu fī ardīhi* in an official letter written by al-Ṣābi on his behalf (Qalqashandī, *Šubḥ*, vol. VI, p. 413). 'Aḍud al-dawla, who was more wont to bully than to flatter this caliph, described him as *khalīfat Allāh fī ardīhi* to a Fāṭimid embassy (al-Nahrawālī,

al-Muqtadī in the late eleventh century,³⁷ al-Mustāzhīr in the late eleventh/early twelfth,³⁸ al-Muqtāfī in the mid-twelfth,³⁹ al-Nāṣir in the late twelfth/early thirteenth,⁴⁰ and al-Mustansīr in the thirteenth.⁴¹ The title is also attested for the 'Abbāsids in general.⁴² As in the Umayyad period it counted as the official designation of the head of state. Thus it was used in official letters and on official occasions;⁴³ and al-Ma'mūn, followed by al-Muqtadī, restored it to the coinage.⁴⁴ A manual of court etiquette attributed to al-Jāḥīz states that 'kings'

al-īlām bi-ālām bayt Allāh al-harām, ed. F. Wüstenfeld, Leipzig 1857, p. 168). The opinion of H. Busse, 'The Revival of Persian Kingship under the Būyids', in D. S. Richards (ed.), *Islamic Civilisation 950-1150*, Oxford 1973, p. 63, that 'Aḍud al-dawla's concept of this title was contrary to 'what the caliph and Muslim theory of state held . . . [but] typical for the emir's opinion of the relationship between caliphate and kingship', is clearly not correct.)

36 See the model letters in al-Şāhib b. 'Abbād, *Rasā'il*, ed. 'A.-W. 'Azzām and Sh. Ǧayf, Cairo 1947, pp. 21 (*khalīfat al-Mu'ayyad* al-Šīrāzī, *Sīrat al-Mu'ayyad*, ed. M. K. Ǧusayn, Cairo 1949, pp. 76, 154: among the various titles which the caliph had bestowed on the Būyid Abū Kalijār was *yamīn khalīfat Allāh*, which reappears as *qasīm khalīfat Allāh* in a letter from al-Mu'ayyad, the Fāṭimid *dā'i*; al-Mu'ayyad denied that the 'Abbāsid was *khalīfat Allāh* was deputy of God in his view, cf. below, note 62).

37 Miles, *Rayy, al-islāmiyya*, *Sumer* 28 (1972), p. 155.

38 al-Ghazālī, *Faḍā'iḥ al-bāṭinīyya*, ed. 'A.-R. Badawī, Cairo 1964, p. 169; cf. I. Goldziher, *Streitschrift des Gazālī gegen die Bāṭinīja-Sekte*, Leiden 1916, p. 80 and the note thereto. For the same caliph as *khalīfat al-mu'minīn* (on a dinar dated 507), see al-Ǧusaynī, 'Dirāsāt', p. 155.

39 Qalqashandī, *Şubh*, vol. vi, p. 397, where a letter from that caliph to the Seljuq sultan includes *mu'mīn khalīfat Allāh* among the latter's titles.

40 Ǧ. al-Bāshā, *Alqāb al-islāmiyya*, Cairo 1957, p. 278; below, note 54. Qalqashandī, *Şubh*, vol. viii, p. 273 (where al-Nāṣir is described as *khalīfat Allāh fī ardīhi* in a letter from his vizier to the *muqā'a* of Basra), and vol. x, p. 286 (where he is *abd Allāh wa-khalīfatuhu fī 'l-ālamīn*).

41 Al-Bāshā, *Alqāb*, p. 278 (*khalīfat Allāh fī ardīhi wa-nā'ibuhu fī khalqihī*).

42 Cf. Tyan, *Califat*, p. 447n. (where the 'Abbāsids are *khalā'iṣ fī Allāh*); compare also *Taqd*, vol. iv, pp. 240¹⁸, 242¹⁹. Watt's impression that the title became less frequently used under the 'Abbāsids is both right and wrong ('God's Caliph', p. 571; *Formative Period*, p. 84). It is not true that the caliphs made any less use of it, but the nature of court poetry changed. The themes rehearsed by Jarīr and al-Farazdaq were swept away by new poetry, so that 'Abbāsid *dīwāns* yield few references even though the official concept of the caliphate remained the same.

43 Cf. above, notes 19f., 31f., 35, 39; below, note 54; E. Tyan, *Institutions du droit public musulman*, vol. II (*Sultanat et califat*, hereafter *Sultanat*), Paris 1956, p. 116. According to a model cited by Qalqashandī, *Şubh*, vol. viii, p. 325, letters sent to governors and others on the accession of a new caliph should state that God has selected so-and-so *li-khilāfatihi*; the model letter of congratulation to a caliph on his accession similarly refers to *khalīfat Allāh* and *khalīfat "mīn khulafā'ihi* (*ibid.*, vol. viii, pp. 393f.; compare pp. 398f.).

44 Cf. above, notes 25, 33. Some late attestations are epigraphic (al-Bāshā, *Alqāb*, p. 278).

should be addressed as *khalīfat Allāh*, *amīn Allāh* and *amīr al-mu'minīn*.⁴⁵ And now as then *khalīfat Allāh* was what the caliphal title was generally taken to mean. 'We do not rebel against deputies of God', Abū Dāwūd told Abū Muslim.⁴⁶ 'Muḍar produced the messenger of God, the book of God, the family of God and the deputy of God', a member of the 'Abbāsid family announced with the intention of provoking tribal strife among the 'Abbāsid troops.⁴⁷ *Khalīfat Allāh* is also the title of the *Mahdī* in eschatological works.⁴⁸ But there is one difference; whereas *khalīfat rasūl Allāh* seems to have been unknown to the Umayyads, it makes an appearance under the 'Abbāsids. Thus 'Abdallāh b. 'Alī described the caliphate as being *li-rasūl Allāh*;⁴⁹ Bashshār b. Burd speaks of *khilāfat Aḥmad* in poetry addressed to al-*Mahdī*;⁵⁰ 'Abd al-Malik b. Ṣalīḥ told Hārūn that he was *khalīfat Allāh wa-rasūlihi*...⁵¹ *fi ummatihi wa-amīnuhu 'alā raiyyatihi*;⁵² and even al-Ma'mūn spoke of *khilāfat rasūlihi*,⁵³ while al-Mutawakkil was flattered as *khalīfat Allāh fi 'ibādihi wa-khalīfat rasūl Allāh fi ummatihi*.⁵⁴ Indeed, by the time of Saladin it had become good form to refer to 'God, His messenger, and their *khalīfa*'.⁵⁵ Clearly, the 'Abbāsids in no way resented this version of their title, which went hand in glove with their claim to have inherited the caliphate from their kinsman, the Prophet: thus al-Ma'mūn's letter characteristically spoke of *khilāfat rasūlihi wa'l-qarāba bihi*.⁵⁶ The point to note here, however, is that though the caliphs were happy to become successors of the Prophets, they did not thereby stop regarding themselves as deputies of God.

45 al-Ḥāfiẓ (attrib.), *Kitāb al-tāj*, ed. Ahmed Zéki Pacha, Cairo 1914, p. 86.

46 Cf. the second reference given above, note 20.

47 Tab., ser. iii, p. 366.

48 Nu'aym b. Ḥammād, *Kitāb al-fīlān*, British Library, Or. 9449, fol. 84a (we owe this reference to Michael Cook); G. van Vloten, 'Zur Abbasidengeschichte', *Zeitschrift der Deutschen Morgenländischen Gesellschaft* 52 (1898), p. 219, citing al-Maqrīzī; Ibn Māja, *Sunan*, ed. M. F. 'Abd al-Bāqī, Cairo 1952–3, vol. II, no. 4084 (*Kitāb al-fīlān*, bāb 24); Ibn Ḥanbal, *Musnād*, Cairo 1313, vol. V, p. 277.

49 Ahmad Zākī Ṣafwat (ed.), *Samhārat rasā'il al-`arab*, Cairo 1937, vol. III, p. 9 (citing al-Ṣūrī).

50 Bashshār, vol. III, p. 74.

51 *Taqdīs*, vol. II, p. 154². In the several other versions of this passage Hārūn is *khalīfat rasūl Allāh*, cf. Tab., ser. III, p. 689; Azdī, *Mawṣil*, p. 264; Ahmad Zākī Ṣafwat, *Samhārat khūṣāb al-`arab*, Cairo 1933, vol. III, p. 91, with further references.

52 Ṣafwat, *Rasā'il*, vol. III, p. 509.

53 Cf. the Aghānī reference given above, note 29.

54 *Kultu dhālikā ḥāra li llāh wa-li-rasūlihi wa-li-khalīfatihimā*, al-Qādī al-Fāḍil states in a letter written on behalf of Saladin to the *dīwān al-khilāfa* in Baghdad in the time of al-Nāṣir (Qalqashandī, *Ṣubḥ*, vol. VII, p. 127).

55 Ṣafwat, *Rasā'il*, vol. III, p. 509; naturally Bashshār's poetry referred to *mīrāt al-nabī* too (vol. III, p. 284).

It was not only the 'Abbāsids who assumed the caliphs to have retained this function. When the Umayyads of Spain adopted the caliphal title, poets promptly spelt it out as *khalīfat Allāh*.⁵⁶ The Imāmīs explained that their imams were *khulafā' Allāh fi ardihi*,⁵⁷ though as might be expected they too stress their right to *khilāfat rasūl Allāh*.⁵⁸ Ismā'īlī authors likewise identified the imam as deputy of God and successor of the Prophet alike.⁵⁹ An Ismā'īlī convert of the Musāfirid house numismatically proclaimed 'Alī to have been *khalīfat Allāh*.⁶⁰ The founder of the Fātimid dynasty was officially proclaimed *khalīfat Allāh 'alā 'l-ālamīn* in the abortive attempt to establish a Fātimid state in Syria,⁶¹ and later Fatimid caliphs were also described as deputies of God in both poetry and prose.⁶² Only

56 'Iqd, vol. iv, p. 502^b (cited by Tyan, *Califat*, p. 445n.); cf. *EI*², s.v. 'khalīfa', col. 943b, without references. 'Abd al-Rahmān III was also *khalīfat al-Rahmān*, cf. 'Iqd, vol. iv, p. 521¹⁰; cf. also p. 494, where Muḥammad b. 'Abd al-Rahmān is *amīn Allāh*.

57 al-Kulaynī, *al-Uṣūl min al-kāfi*, ed. A. A. al-Ghaffārī, vol. i, Tehran 1377-81, pp. 193, 200; al-Shaykh al-Mufid, *Kitāb al-irshād*, tr. I. K. A. Howard, London 1981, pp. 169, 462. Compare Ibn Bābūya, *Kamāl al-dīn*, ed. 'A. A. al-Ghaffārī, Tehran 1390, pp. 4ff., where Adam is identified as *khalīfat Allāh* and all fundamental doctrines concerning the imamate (here termed the caliphate) are exegetically derived from Qur. 2:28. Ibn Shabrāshūb also adduces this verse in proof of the necessity of the imamate (*Maṇqib Abī Ṭālib*, Najaf 1956, vol. i, p. 211) and cites traditions and poetry on the imam in general and 'Alī in particular being (among other things) *khalīfat Allāh fi ardihi/bilādihi* (p. 212; vol. ii, pp. 262f.).

58 See for example Kulaynī, *Kāfi*, p. 200; Mufid, *Irshād*, p. 401 and *passim*; al-Sharīf al-Murtadā, *Dīwān*, ed. R. al-Ṣaffār, Cairo 1958, vol. i, p. 50², cf. p. 49¹³⁻¹⁴. The caliphate is of course also envisaged as succession to Muḥammad when 'Alī is described as his *wāṣi'*, as standing in the same relation to him as Joshua unto Moses, and so on.

59 Aḥmad b. Ya'qūb, *al-Risāla fi 'l-imāma*, ed. and tr. S. N. Makarem under the title *The Political Doctrine of the Ismā'īlīs*, Delmar N. Y. 1977, fol. 86v, where the imam is *khalīfat Allāh ta'āla fi khalīqatihi wa-li-rasūlihi fi ummatihi*; Qur. 2:28 and 38:25 on God's appointment of Adam and David are both cited. But al-Qāfi al-Nu'mān avoids both the caliphal title and these verses in his discussion of the imamate (*Dā'īm al-islām*, ed. 'A. 'A. A. Fayḍī, Cairo 1951-60, vol. i, nos. 36ff.).

60 S. M. Stern, 'The Early Ismā'īlī Missionaries in North-West Persia and in Khurāsān and Transoxania', *Bulletin of the School of Oriental African Studies* 23 (1960), pp. 72f.

61 Tab. ser. iii, p. 2233; cf. H. Halm, 'Die Söhne Zikrawaihs und das erste fatimidische Kalifat (290/903)', *Die Welt des Islams* 10 (1979), p. 42.

62 A letter from the Fātimid caliph al-'Azīz to his governor of Egypt refers to God and His chosen caliphs (*khulafā'ihī 'l-muṣṭafāyīn* (Qalqashandī, *Šubh*, vol. vi, p. 433), praising God who *ḥabā amr al-mu'minīn wa-niakhabahu li-khilāfihi wa-ja'alahu ṣafīyyahu min khalqihī wa-amīnahū 'alā 'ibādihi* (*ibid.*, p. 434). The Fātimid caliphs are similarly God's in the documents cited by Qalqashandī, *Šubh*, vol. viii, pp. 237, 240; vol. ix, pp. 377, 386. Al-Mu'ayyad, the Fātimid chief *dā'i*, referred to the Fātimid caliph as *khalīfat Allāh* (*Dīwān*, ed. M. K. Husayn, Cairo

the Zaydīs seem never to have made use of the title *khalīfat Allāh*.⁶³ Among the Khārijites, 'Abd al-Salām b. Hāshim al-Yashkūrī continued Abū Iḥamza's tradition by enumerating the misdeeds of al-Mahdī with a sarcastic comment on such behaviour 'from somebody who lays claim to *khilāfat Allāh*'.⁶⁴

Such taunts notwithstanding, the 'Abbāsids stuck to their elevated title even after their transfer to Mamluk Egypt, where they were duly referred to as *khalīfat Allāh* and *nā'ib Allāh*;⁶⁵ when the Ottomans claimed to have inherited the role, they too became deputies of God.⁶⁶ Meanwhile the title had been adopted by the sultans in the Seljuq east⁶⁷ no less than in Seljuq Rūm;⁶⁸ a scholar such as al-Ṭahṭāwī still identified the king (sc. the khedive) as *khalīfat Allāh fī ardīhi* in nineteenth-century Egypt.⁶⁹ The expression also made its appearance further afield. By the eighteenth century it had come to be used as

1949, no. 19: 3; cf. also no. 2: 137: *ka-tā'at Allāh 'alā khalīfa ihi wa'l-muṣṭafā' alā jāni' ummatihi*). Hāni's poetry also refers to His deputies on earth (Tyan, *Sultanat*, p. 514n.).

63 Not even Professor W. Madelung knows a Zaydī attestation (letter of 7/9 1984). In so far as he was a *khalīfa*, the Zaydī imam of the Yemen was apparently *khalīfa* (be it in the sense of deputy or successor) of the imams who had preceded him (*khalīfat al-a'īma*, cf. Qalqashandī, *Šuhh*, vol. vi, pp. 47, 123; vol. vii, p. 334). The Zaydīs were however familiar with the idea that anyone who enjoined good and prohibited evil was *khalīfa* of God, His book and His messenger alike (cf. the reference given below, chapter 6, note 12).

64 Khaṣīfa b. Khayyāt, *Ta'rikh*, ed. S. Zakkār, Damascus 1967–8, vol. ii, p. 702; al-Mahdī had referred to himself as *khalīfa ihi* in his letter to the rebel (*ibid.*, p. 701).

65 Cf. al-Ζāhirī, *Zubdat kashf al-mamālik*, ed. P. Ravaisse, Paris 1894, p. 89 (*huwa khalīfat Allāh fī ardīhi wa'bni 'amm rasūlihi sayyid al-mursalīn wa-wāritih al-khilāfa 'anhu*, first cited by Margoliouth, 'The Sense of the Title *Khalīfa*', p. 327); Goldziher, *Muslim Studies*, vol. ii, p. 62 (*nā'ib Allāh fī ardīhi*); Tyan, *Sultanat* p. 239 (with these and other references). Note also Qalqashandī, *Šuhh*, vol. viii, p. 108, where the Mamluk sultan al-Ashraf Nāṣir al-dīn is addressed, *inter alia*, as *sayf khilāfat Allāh* in a letter from the Naṣrid Muḥammad V written in the 1360s; and vol. x, p. 130, where the caliph al-Muṣta'īn in a *āhd* of 1411 to the Delhi sultan Muṣṭaffā Shāh [= Maḥmūd Shāh II?] cites the Qur'ānic phrase *inna ja'i ilā* *fī ḥārē khalīfa*!⁷⁰

66 Goldziher, *Muslim Studies*, vol. ii, p. 62; Arnold, *Caliphate*, ch. 11.

67 Al-Ghazālī, *Naṣīḥat al-mulūk*, ed. J. Humā'ī, Tehran 1351 (shamsī), p. 131 = F. R. C. Bagley (tr.), *Ghazālī's Book of Counsels for Kings*, London 1964, p. 77 (this part of the *Naṣīḥat al-mulūk* is a mirror by a contemporary of al-Ghazālī, not by al-Ghazālī himself, cf. P. Crone, 'Did al-Ghazālī Write a Mirror for Princes?', forthcoming in *Jerusalem Studies of Arabic and Islam*, no. vi); A. K. S. Lambton, *State and Government in Medieval Islam*, Oxford 1981, p. 133 (Fakhr al-Dīn Rāzī).

68 Al-Bāshī, *Alqāb*, p. 278.

69 Rī'ā Bey Rāfi' [al-Ṭahṭāwī], *Kitāb manāhijal-albāb al-miṣriyya fī mabāhijal-ādāb al-āṣriyya*, Cairo 1912, p. 354 (we owe this reference to Y. M. Choueiri).

a royal title in Java,⁷⁰ while African rulers had adopted titles such as *khalīfah Allāh ta'ālā fī ardihi* and *khalīfah rabb al-ālamīn*.⁷¹ Indian and Moroccan princes also liked to style themselves *khalīfah Allāh* and/or *nā'ib Allāh*.⁷² The idea that *khalīfa* stood for *khalīfah rasūl Allāh* was clearly not unknown: African rulers conflated it with the more exalted title to make *khalīfah rasūl rabb al-ālamīn*.⁷³ But it cannot be said to have made much headway. Apparently it still has not. In May 1984 the then President Numayri was reported to be planning to turn Sudan into an Islamic republic with himself as 'Allah's representative on earth' [= *khalīfah Allāh fī 'l-ard*].⁷⁴

In short, from 'Uthmān to Numayrī, or in other words from about 644 to about 1984, Muslims of the most diverse political, religious, geographical and ethnic backgrounds have taken the title of *khalīfa* to stand for *khalīfah Allāh*, 'deputy of God'. It thus seems natural to infer that this is what the title always meant. At least, it seems a little strained to propose that its meaning changed during the twelve years from 632 to 644 and remained stable for thirteen centuries thereafter. But if *khalīfa* meant 'deputy of God' from the start, then the Shī'ites can hardly be altogether wrong in their claim that the legitimate head of state (whoever this individual was to the various parties at the time) inherited both the religious and the political power of the Prophet. Certainly, the Sunnī caliph was to lose his religious authority to scholars, just as he was to lose his political power to sultans. But this cannot be how things began.

This inference is so obvious that the reader may well wonder why it is hardly ever made in the secondary literature.⁷⁵ It is not made because the Sunnī 'ulamā' claim that the caliphal title *did* change its meaning in the twelve years between 632 and 644: originally it stood for *khalīfat rasūl Allāh*, 'successor of the messenger of God', they say, not for *khalīfah Allāh*. *Khalīfat rasūl Allāh* is the title which Abū Bakr, the first caliph, is said to have adopted, and the sources are sprinkled with incidental reminders that this is what he styled

70 M. B. Hooker, *A Concise Legal History of South-East Asia*, Oxford 1978, p. 72. cf. p. 50.

71 R. S. O'Fahey, 'The Mahrams of Kānem-Borneo', *Fontes Historiae Africanae: Bulletin of Information*, no. 6, December 1981, p. 23; R. S. O'Fahey and M. I. Abu Salim, *Land in Dār Fūr*, Cambridge 1983, p. 30.

72 Goldziher, *Muslim Studies*, vol. II, p. 62n; cf also Arnold, *Califate*, pp. 116f.

73 O'Fahey and Abu Salim, *Land in Dār Fūr*, p. 30.

74 R. Hall, 'Islamic zeal plunges Sudan into new turmoil', *The Observer*, Sunday 20 May 1984, p. 6.

75 It is made in P. Crone and M. Cook, *Hagarism*, Cambridge 1977, pp. 28, 178⁷¹; but even Tyan avoided it for all that he came close to doing the same.

himself.⁷⁶ Indeed, when people (somehow anticipating the claims of the Umayyads) addressed him as *khalīfat Allāh*, he explicitly rejected this version of the title, stating that he was merely the Prophet's successor and perfectly satisfied with that.⁷⁷ A similar story is told about 'Umar,⁷⁸ while another story informs us that 'Umar got tired of being known as *khalīfat khalīfat rasūl Allāh*, 'successor of the successor of the messenger of God,' and told people to call him 'Commander of the Faithful' instead;⁷⁹ thereafter, one infers, the title was stabilised as *khalīfat rasūl Allāh*.

Practically all modern scholars accept the claim of the '*ulamā*', identifying the caliphal title as *khalīfat rasūl Allāh* with little or no hesitation.⁸⁰ Evidently, this places the titulature of the later caliphs in an altogether different light. The Umayyads, we are left to infer, *changed* the title (just as they moved the capital, introduced dynastic rule, and so forth).⁸¹ The caliphs did not really inherit religious

76 Abū Bakr is referred to or addressed as *khalīfat rasūl Allāh* in Tab., ser. i, pp. 1850, 2751; Ibn Sa'd, *al-Tabaqāt al-kubrā*, Beirut 1957–60, vol. III, pp. 184 (twice), 187; vol. VIII, pp. 148, 470; Ibn 'Asākir, *Ta'rīkh madīnat Dimashq*, ed. S. al-Munajjid, vol. i, Damascus 1951, p. 511; Ibn Qutayba, *Imāma*, p. 20; Wakī', *Qudāh*, vol. II, p. 57; *Aghānī*, vol. XVII, p. 360; *Iqd*, vol. II, p. 66¹⁴; Qalqashandī, *Šu'bī*, vol. VI, pp. 327, 383f.; and so forth.

77 This report is cited in al-Balādhurī, *Ansāb al-ashrāf*, vol. i, ed. M. Ḥamīdallāh, Cairo 1959, p. 529; Ibn Sa'd, *Tabaqāt*, vol. III, p. 183; Ibn Ḥanbal, *Musnād*, vol. I, p. 10; and elsewhere, all from Nāfi' b. 'Umar from Ibn Abī Mulayka, a Meccan traditionist who died in 735, a century after Abū Bakr himself.

78 Tab., ser. i, pp. 2748f., from Jābir al-Ju'fī, a Kufan traditionist who died about 748.

79 Tab., ser. i, p. 2748; Bal., *Ans.*, vol. I, p. 528. The two stories have been amalgamated in the version cited by Margoliouth from the *Rasā'il* of *Badr al-Zamān* ('The Sense of the Title *Khalīfa*', pp. 323f.).

80 Thus even Watt and Paret. Both reject as apocryphal the story that Abū Bakr objected to the title *khalīfat Allāh*, but neither considers the possibility that the whole point of crediting him with the designation *khalīfat rasūl Allāh* was to downgrade the rival title (Watt, 'God's Caliph', p. 568; Paret, '*Khalīfat Allāh*', p. 228). (Watt's suggestion, *Formative Period*, p. 69, that Ibn Abī Mulayka put the apocryphal story into circulation in order to counter Umayyad claims to divine sanction of their rule on behalf of the Zubayrids, of whom he was a supporter, is implausible in view of the fact that Ibn al-Zubayr was himself known as *khalīfat al-Rahmān*, cf. above, note 14.)

81 Indeed, they changed the title in order to introduce dynastic rule according to Rotter (*Bürgerkrieg*, pp. 35f., 248). Rotter rejects the authenticity of the line attributed to Ḥassān b. Thābit in which 'Uthmān is referred to as *khalīfat Allāh* and dates it to the second civil war (with reference to 'Arafat, 'Background', pp. 276ff.), arguing that the title was adopted by Mu'āwiya towards the end of his reign, probably to justify his choice of successor. But though we have no wish to defend the authenticity of any of Ḥassān's poetry, 'Uthmān appears as *khalīfat Allāh* in several other passages, as has been seen, while Mu'āwiya appears as such in a poem uttered in praise of Ziyād b. Abīhi on the latter's appointment to Basra in 45/665, four years after Mu'āwiya's accession. Naturally the date of these

authority: it was merely the Umayyads who claimed as much. Indeed, it could be argued that 'when the Umayyads used this pretentious title, it was merely intended to convey the unlimited power of the ruler';⁸² and though contemporary scholars rarely go so far, the credibility of the claim implied in the title is undermined: apparent evidence for a specific concept of authority in Islam turns into evidence for little but Umayyad worldliness, or the growth of caliphal power in general.⁸³

It is however reasonable to reject the claim of the '*ulamā*'. *Khalīfat Allāh* is a title which, if taken seriously, leaves no room for '*ulamā*': if God manifests His will through caliphs here and now, there is no need to seek guidance from scholars who remember what a prophet had said in the past. The Umayyads took the title very seriously. They saw themselves as representatives of God on earth in the most literal sense of the word, as is clear above all from a long letter by al-Walīd II.⁸⁴ God has made the earth over to them: *amīn Allāh*, 'trustee of God', is another title regularly attested from the time of 'Uthmān onwards.⁸⁵ One is thus not surprised to find that *khalīfat Allāh* was a title of which most scholars disapproved:⁸⁶ deputies of God and

passages could also be queried; indeed, were it not for 'Abd al-Malik's coins, all Umayyad attestations of the title *khalīfat Allāh* could be dismissed as back-projections of a concept current under the 'Abbāsids. But if the evidence is good enough for us to accept that Mu'āwiya made use of the title, it is also good enough for us to accept that 'Uthmān did so.

82 Goldziher, *Muslim Studies*, vol. II, p. 61.

83 See the literature cited above, chapter I, note 2.

84 See below, appendix 2.

85 Cf. Ḥassān b. Thābit, no. 160:2 ('Uthmān); Tab., ser. II, p. 208; *Aghānī*, vol. XII, p. 74 (Mu'āwiya); *Jarīr*, p. 355¹⁰; Rā'ī, no. 16: 52; *Mas.*, *Murūj*, vol. III, §2067 = v, pp. 308f; *Farazdaq*, vol. I, p. 355 ('Abd al-Malik); *id.*, vol. I, p. 353²; *Akhīṭah*, p. 185² (al-Walīd I); *Farazdaq*, vol. II, pp. 534¹, 845² (Hishām); *Iqd*, vol. IV, p. 450⁶ (*khuzzān Allāh fi bilādihī wa-umānāhu 'alā 'ibādihī*); Tab., ser. II, p. 1765 (al-Walīd II). For numerous 'Abbāsid attestations, see below, chapter 5, note 138.

86 The locus classicus is al-Māwardī, *al-Āḥkām al-sultāniyya*, ed. M. Enger, Bonn 1853, pp. 22f. = E. Fagnan (tr.), *Mawardi. les statuts gouvernementaux*, Algiers 1915, pp. 29f. (the passage is given in English translation by Lambton, *State and Government*, p. 87; it is misrepresented by H. A. R. Gibb, *Studies on the Civilization of Islam*, London 1962, p. 158). As usual, Ibn al-Farrā' has wording similar to that of al-Māwardī, though he is less disapproving, cf. his *al-Āḥkām al-sultāniyya*, ed. M. H. al-Fiqī, Cairo 1966, p. 27. Cf. also Ibn Khaldūn, *al-juz' al-awwal min kitāb al-ibar* (= *al-Muqaddima*), Būlaq 1284, pp. 159f., and Lambton, *op. cit.*, pp. 142, 186. According to al-Māwardī, most '*ulamā*' considered the title to be unlawful on the ground that God is neither absent nor dead, though some permitted it. It is clear, however, that earlier scholars had objected to it on the ground that it was too exalted: the only *khulāṣā' Allāh* are David and other prophets, as the two 'Umars had been made to exclaim (cf. Margoliouth, 'The Sense of the Title *Khalīfa*', p. 324; Ibn 'Abd al-Hakam, *Sīrat 'Umar b. 'Abd*

scholars were rivals. By contrast, *khalīfat rasūl Allāh* is a considerably more modest designation which, as Nagel notes, makes no claim to a share in the *Rechileitung* of the Muslims;⁸⁷ successors of the Prophet and scholars could coexist. Given that there were caliphs before there were scholars, one is thus inclined to suspect that it was the scholars rather than the caliphs who changed the original title, or in other words that the scholars claimed a different meaning for it in order to accommodate themselves.⁸⁸ This suspicion is reinforced by three further points.

First, those reported to have rejected the title *khalīfat Allāh* add up to Abū Bakr, 'Umar, 'Umar II and the *'ulamā'*, or in other words the *'ulamā'* and their favourite mouthpieces. Statements attributed to the first two caliphs and 'Umar II are usually statements by the *'ulamā'* themselves, especially when the statements in question are of legal or doctrinal significance. Why should statements on the nature of the caliphate be an exception?

Secondly, our sources claim that Abū Bakr and 'Umar rejected the title of *khalīfat Allāh* for that of *khalīfat rasūl Allāh*, adding an apocryphal story about 'Umar intended to drive home the message that *khalīfa* means successor. In other words, *khalīfat rasūl Allāh* makes its appearance in a polemical context.

Thirdly, if the caliphate was conceived as successorship to the Prophet, why did the title *khalīfat rasūl Allāh* more or less disappear? After Abū Bakr and 'Umar it is not met with until early 'Abbāsid times, or in other words not until the *'ulamā'* had acquired influence at court under a regime conscious of its kinship with the Prophet. And even then, it failed to acquire much prominence among the caliphs themselves.

We should like to stress that not all *'ulamā'* were opposed to the use of *khalīfat Allāh*, at least not after they had won the battle for religious authority; even so eminent a Sunnī as al-Ghazālī accepted his caliph as God's deputy on earth.⁸⁹ The title was clearly too

al-'Azīz, p. 54; Qur'ān, 2:28; 38:25). And this argument is found in the later literature too: according to al-Baghawī, it was legitimate to refer to Adam and David, but not to anyone after them, as *khalīfat Allāh* (Qalqashandī, *Šuhū*, vol. v, p. 445, where al-Māwardī's passage is also reproduced).

87 Nagel, *Rechileitung*, p. 33.

88 Morony rightly suspects that the modern literature is under the spell of 'anti absolutist circles in early Islamic society whose interpretation appears to have triumphed in the area of theory' (M. G. Morony, *Iraq after the Muslim Conquest*, Princeton 1984, p. 580).

89 For the scholars in general, see above, note 86; for al-Ghazālī, above, note 38

embedded in the tradition for total rejection to be possible. But the 'ulamā' did succeed in depriving it of its historical primacy, or in other words, they succeeded in rewriting history. In attributing their own version of the caliphal title to the first two caliphs they presented an aspect of the present which they disliked as a deviation from a sacred past. This is something which they did time and again, and in so doing they successfully cast the Umayyads as worldly rulers indifferent or even inimical to Islam: time and again it is by their departure from supposedly patriarchal norms that the Umayyads condemn themselves. Contrary to what is often said, it is this manoeuvre rather than 'Abbāsid hostility which accounts for the unfavourable light in which the Umayyads appear in the sources. For the sources are not in fact particularly enthusiastic about the 'Abbāsids, and what is more, the hostility to the Umayyads is too pervasive to reflect the change of dynasty: it is not something added after 750 by way of revision of received history. Naturally there are some stories which reflect 'Abbāsid dislike of the fallen dynasty, just as there are some in which they suddenly appear in a favourable light; but these are surface phenomena which do not greatly affect the reader's perception of the caliphs in question. The real bias is that of the scholars who transmitted the memory of the past, not that of the rulers who took over while the scholars were thus engaged. Now because the bias is so pervasive, it is hard to free oneself of it. Merely to discount a bit of the iniquity certainly does not help: the question is not whether the Umayyads were more or less iniquitous than made out (presumably they were as bad as rulers tend to be), but whether history had the shape which the scholars attribute to it. In order to answer this question, and indeed to explain why the scholars came to view history as they did, we must read the works of the 'ulamā' without automatically adopting their perspective. Given that we owe so many of our sources to them, this is by no means easy. Nonetheless, in what follows we hope to show that it can in fact be done.

(and contrast note 67, where Pseudo-Ghazāli applies this title to the sultan rather than the caliph). Ibn Khaldun also accepted that *al-si yāsa wa'l-mulk hiya kāfīla li'l-khalīq wa-khilāfa li'l-lāh fi 'l-ibād li-ranfiḍh aḥkāmihi fīhim* (*Muqaddimah*, p. 120).

3

The Umayyad conception of the caliphate

So far we have established that the caliph seems originally to have been regarded as the deputy of God on earth and that he was certainly thus regarded by the Umayyads. We shall now elaborate on the Umayyad conception of the caliphal function with special reference to their views on the relationship between themselves and the Prophet.

It is a striking fact that such documentary evidence as survives from the Sufyānid period makes no mention of the messenger of God at all. The papyri do not refer to him. The Arabic inscriptions of the Arab-Sasanian coins only invoke Allāh, not his *rasūl*; and the Arab-Byzantine bronze coins on which Muḥammad appears as *rasūl Allāh*, previously dated to the Sufyānid period, have now been placed in that of the Marwānids.¹ Even the two surviving pre-Marwānid tombstones fail to mention the *rasūl*, though both mention Allāh;²

1 M. Bates, 'The "Arab-Byzantine" Bronze Coinage of Syria: an Innovation by 'Abd al-Malik' in *A Colloquium in Memory of George Carpenter Miles*. New York 1976, p. 23. This study, which revises Walker's dating, relates to coins whose inscriptions include *khalīfa Allāh* as well as *rasūl Allāh*. It is not mentioned by Rotter, *Bürgerkrieg*, but it does affect his findings at pp. 34f., where he espouses the view that these coins were struck by Mu'āwiya. It is of course true that the anonymous author of the *Maronite Chronicle* composed in the mid-660s knew that Mu'āwiya had struck gold and silver coins which did not find favour with the Syrian population because they lacked a cross (Th. Nöldeke, 'Zur Geschichte der Araber im I. Jahr. d. H. aus Syrischen Quellen', *Zeitschrift der Deutschen Morgenländischen Gesellschaft* 29 (1875), p. 96); but he tells us nothing of the wording of inscriptions on these coins and makes no reference to bronze coins.

2 S. al-Mu'ajjid, *Dirāsāt fī a'rīkh al-khaṭṭ al-'arabī*, Beirut 1972, pp. 41, 104. As might be expected, the documentary evidence preserved in the literary sources is less reticent. Thus the seals of 'Alī and Mu'āwiya on the peace documents drawn up between them are reported to have borne the inscription 'Muḥammed is the messenger of God' (M. Hinds, 'The Siffin Arbitration Agreement', *Journal of Semitic Studies* 17 (1972), p. 104); indeed, the Prophet is himself supposed to have had a ring with this inscription: it passed from him to Abū Bakr, 'Umar and

and the same is true of Mu'āwiya's inscription at Tā'if.³ In the Sufyānid period, apparently, the Prophet had no publicly acknowledged role. This is not to say that he did not matter in the Sufyānid period, though exactly what he was taken to be at the time is far from clear;⁴ but it does suggest that he played no legitimatory role in Sufyānid political theory. The titulature of the Sufyānids suggests the same: 'the earth belongs to God, and I am the deputy of God', as Mu'āwiya is said to have put it.⁵ What the Prophet may or may not have been was not from this point of view of any importance.

All this, of course, changed dramatically on the accession of the Marwānids. In 66/685f. the first known coin identifying Muḥammad as *rasūl Allāh* was struck at Bishāpūr in Fars by a pro-Zubayrid governor,⁶ and in 71/690f. the message was repeated on another Arab-Sasanian dirham struck at the same place, this time by a supporter of the Umayyads.⁷ Thereafter reference to Muḥammad as *rasūl Allāh* became a standard feature of Arab numismatic inscriptions.⁸ Further, in 72/691f. Muḥammad and Jesus were both identified as messengers of God in the two long inscriptions on the octagonal arcade of the Dome of the Rock in Jerusalem.⁹ During the

³ Uthmān (Muslim b. al-Ḥajjāj, *al-Ṣaḥīḥ*, Cairo 1929–30, vol. xiv, pp. 67f. (*libās wa-zīna*). Such information can of course be dismissed, as can the quite contradictory information about caliphal signet rings given in al-Mas'ūdī, *Kitāb al-ṣanbū wa'l-iṣhrāṣ*, ed. M. J. de Goeje, Leiden 1894, at the end of each reign. The *īqd* suggests that the first caliph (or at least the first 'Abbāsid caliph) to have a signet ring referring to Muḥammad as *rasūl Allāh* was al-Wāthiq, the inscription becoming common from al-Rāḍī onwards (vol. v, pp. 122⁴, 129ff.); but the information in Qalqashandī, *Šubk*, vol. vi, pp. 354f., casts doubt on this too (the only caliphal signet ring to bear this inscription here being that of al-Qāhir).

⁴ G. C. Miles, 'Early Islamic Inscriptions Near Tā'if in the Ḥijāz'. *Journal of Near Eastern Studies* 7 (1948); republished in a slightly modified form by al-Munajjid, *Dirāsāt*, pp. 102f.

⁵ Cf. above, chapter 2, p. 6.

⁷ Walker, *Catalogue*, vol. 1, p. 108.

⁸ It occurs successively on (a) the Type B imitation solidi struck at Damascus in 72 and/or 73 (G. C. Miles, 'The Earliest Arab Gold Coinage'. *American Numismatic Society Museum Notes* 13 (1967), p. 227; (b) the transitional dirhams struck at Damascus in the years 73–5 (Walker, *Catalogue*, vol. 1, pp. 23–5; Salmān, 'Dirham nādir'); (c) the Standing Caliph dinars of 74–7 (Miles, *op. cit.*, pp. 212–14), and (d) the epigraphic coinage, which apparently started in 77 in the case of dinars and 78 in the case of dirhams and on which three inscriptions are to be found: 'there is no God but Allāh alone', 'Muḥammad in the *rasūl* of Allāh whom He sent with guidance and the religion of truth, that He might make it victorious over all religions' (an approximation to Qur'ān, 9: 33), and 'Allāh is One. Allāh is the Everlasting, He did not beget, nor was He begotten' (an apocopated version of *sūrat al-ikhlāṣ*) (Walker, *Catalogue*, vol. 1, p. lvii).

⁹ C. Kessler, "'Abd al-Malik's Inscription in the Dome of the Rock: a Reconsideration', *Journal of the Royal Asiatic Society* 1970, pp. 4, 8.

governorship of 'Abd al-'Azīz b. Marwān, or in other words between 65/685 and 85f./704f., Muḥammad made his first appearance, once more as *rasūl Allāh*, in the papyrus protocols of Egypt.¹⁰ And the same 'Abd al-'Azīz is also reported to have given orders for all crosses to be broken and for there to be fixed on the doors of the churches in Egypt posters stating that 'God did not beget, nor was He begotten' and that 'Muḥammad is the great messenger of God and Jesus also is the messenger of God'.¹¹

However the Sufyānids may have conceived of Muḥammad, the Marwānids thus unambiguously identified him as the founder of their faith. But it is clear from the context in which they made their public affirmation of his status that they were motivated more by a desire to establish the credentials of Islam over and above other faiths (notably Christianity) than by a wish to emphasise his continuing importance within the Islamic world; and though the escalation of Muḥammad into a fully-fledged founder-prophet was indeed to undermine the position of the caliphs in the long run, as will be seen, in the short run it merely contributed to the rupture of relations between 'Abd al-Malik and Justinian II in c. 692, if it did even that.¹² There is nothing in all this to inform us of the caliph's perception of Muḥammad from an inner-Islamic point of view.

For such a perception we may turn to a long letter written by al-Walīd II to the garrison cities concerning the designation of his successors. This letter, to which we have referred already, is the most detailed document that we possess in respect of what may be termed

10 *Corpus Papyrorum Raineri Archiducis Austriae. III Series Arabica*, vol. 1/2, ed. A. Grohmann, Vienna 1924, nos. 1–11, pp. 3–12; A. Grohmann, 'Zum Papyrus-protokoll in früharabischer Zeit', *Jahrbuch der Österreichischen Byzantinischen Gesellschaft* 9 (1960), pp. 13f.

11 Severus b. al-Muqaffa'. *Kitāb siyar al-ābā' al-basārika*, ed. C. F. Seybold, Hamburg 1912, pp. 121f. = ed. C. F. Seybold in *Corpus Scriptorum Christianorum Orientalium. Script. arab.*, ser. iii, 9, fasc. 1–2, Beirut, Paris and Leipzig 1904–10, p. 131. The original describes Muḥammad as *al-rasūl al-kabīr allādī (sic) li'llāh*.

12 The question still has not been fully resolved. The Muslim accounts preserve a memory that the wording on papyrus protocols was somehow connected with the coinage and the rupture in relations (the main texts are Ibn Qutayba, *Uṣūn al-akhbār*, Cairo 1925–30, vol. 1, pp. 198f.; al-Balādhurī, *Futūh al-buldān*, ed. M. J. de Goeje, Leiden 1866, p. 240; al-Bayhaqī, *Kitāb al-mahāsin wa'l-masāni*, ed. F. Schwally, Giessen 1902, pp. 498–502; al-Damīrī, *Hayāt al-hayawān*, Būlāq 1284, vol. 1, pp. 79–81). On the Byzantine side, Theophanes specifies 'Abd al-Malik's striking of coin as one of the issues in the rupture of relations with Justinian II but makes no mention of papyri (*Chronographia*, ed. C. de Boor, Leipzig 1883–5, vol. 1, p. 365; cf. also J. D. Breckenridge, *The Numismatic Iconography of Justinian II (685–695, 705–711 A.D.)*, New York 1959, p. 73); while Nicephorus and Michael the Syrian make no mention of either papyri or coinage in that connection.

the Umayyad theory of state, and its importance (first recognised by Dennett) is such that we give a full translation of it in appendix 2. Al-Walid here sketches out a salvation history divided into two eras, one of prophets and another of caliphs. The first era began in aboriginal times when God chose Islam as the religion for Himself and mankind, or, as we might put it, established a religion for Himself and mankind which He chose to call Islam. Having done so, He sent messengers to inform mankind about it, but without success, or so at least it is implied: there is a lacuna in the text at this point, but we know this part of the story from the Qur'ān, according to which nation upon nation received a messenger, only to be destroyed when his message was spurned. In due course, however, the messenger Muḥammad met with success. This messenger did not preach anything new; on the contrary, he confirmed the message of previous prophets, God having gathered unto him everything that He had bestowed on them. But now that God had finally got His message through, there was no need for further messengers, and God thus sealed His revelation with him. Muḥammad represented the culmination of prophethood and on his death the era of the prophets came to an end. The era of the caliphs began when, on the death of Muḥammad, God raised up deputies to administer the legacy of His prophets. Specifically, their task was to see to the implementation and observance of God's *sunna*, *ḥukm*, *ḥudūd*, *farā'id* and *ḥuqūq*, 'normative practice, decree, restrictive statutes, ordinances and rights' (as we have chosen to translate the terms in question), and thus to maintain Islam. The bulk of the letter is devoted to the supreme importance of obedience to God's caliphs: whoever obeys will flourish, and whoever disobeys will be punished in both this world and the next, as we are told time and again.

What is so striking about this letter is that caliphs are in no way subordinated to prophets (let alone to the Prophet). Prophets and caliphs alike are seen as God's agents, and both dutifully carry out the tasks assigned to them, the former by delivering messages and the latter by putting them into effect. The caliphs are the legatees of prophets in the sense that they administer something established by them, but they do not owe their authority to them (let alone to Muḥammad on his own). Their authority comes directly from God. In other words, formerly God used prophets, now He uses caliphs. There is no sense here that God has stopped ruling His adherents directly, or that the caliphate is a mere *Ersatzinstitution*, a second-rate surrogate for the direct guidance which they enjoyed in the days of

Muhammad¹³. Muhammad is still a prophet with a small 'p'. Obviously he was the prophet most relevant to al-Walīd and his subjects, being a successful messenger who worked among Arabs and who created the community of which God had now put al-Walīd in charge. But he was still one out of many, and he stood at the end of an era, not at the beginning of one. Messengers belonged to the past: the present had been made over to caliphs.

There is considerable evidence to suggest that al-Walīd's conception of the relationship between prophets and caliphs was that espoused by the Umayyads at large. As regards the Sufyānids, the absence of public reference to Muhammad on the one hand and the adoption of the title *khalīfat Allāh* on the other would suggest a similar (or possibly more radical) conception. As regards the Marwānids, al-Walīd's views are echoed in letters by Yazīd III and Marwān II in a manner suggesting that his sacred history came out of a standard file in the bureaucracy¹⁴; and they are also reflected in the stories in which Umayyad governors and others credit God's deputy with a status higher than that of His messenger.

Of such there are many. Thus al-Ḥajjāj is said to have written a letter to 'Abd al-Malik expressing the opinion that God held His *khalīfa* on earth in higher regard than His *rasūl* (*inna khalīfat Allāh fi ardihī [var. unmarīhi] akram 'alayhi min rasūlihi ilayhim*), preferring His *khalīfa* over both angels and prophets (*al-khalīfa 'inda 'llāh aṣdal min al-malā'ika al-muqarrabīn wa'l-anbiyā' al-mursalīn*; note the plural here).¹⁵ He expressed the same view to Muṣarrif b. al-Mughīra ('Abd al-Malik *khalīfat Allāh wa-huwa akram 'alā Allāh min rusūlihi*; note the plural again).¹⁶ He was also of the opinion that those who circumambulated the tomb of Muhammad in Medina should rather circumambulate the palace of 'Abd al-Malik, since one's deputy is

13 Nagel, *Rechtleitung*, *passim*.

14 In addition to the letter by Yazīd III translated in appendix 2, see that by 'Abd al-Ḥamīd b. Yaḥyā in Ṣafwat, *Rasā'il*, vol. II, pp. 552f. This letter, too, starts with an account of how God chose Islam for Himself, *etc.* culminating with the prophethood of Muhammad; and though the era of the caliphs has been omitted, it continues by giving praise to God *alladhi iammama wādahu li-rasūlihi wa-khalīfatihī fī ummat nabiyyihī* (written as a letter of congratulation on conquest, it presumably refers to Marwān II, in so far as it is not simply a model.) Note also the resonances of al-Walīd II's formulae in the letter by Marwān II in Tab., ser. II, p. 1850.

15 'Iqd, vol. V, p. 51¹⁻⁴, cf. 53⁴; similarly vol. II, p. 354⁴.

16 al-Balādhurī, *Ansāb al-ashrāf*, ms Süleymaniye (Reisülküttap) no. 598, vol. II, fol. 28b.

better than one's messenger.¹⁷ And in the course of a Friday oration he is said to have asked the rhetorical question whether any member of the audience would prefer his messenger over his deputy.¹⁸ Khālid al-Qasrī is reported to have asked the same question in the course of an address in Mecca at the time of al-Walīd I or, according to another version, Hishām: 'who is mightier, a man's *khalīfa* over his *ahl* or his *rasūl* to them?'.¹⁹ Allegedly, he bluntly stated that God had a higher regard for the *amīr al-mu'minīn* than for His *anbiyā'* (once more in the plural).²⁰ The rhetorical question was also put to Hishām, who is said not to have rejected the inference that God must have a higher regard for His *khalīfa* than for His *rasūl*.²¹ As told, these stories sound like frivolous, indeed blasphemous, flatteries; but what they illustrate is precisely the point that *khalīfa* and *rasūl* were once seen as independent agents of God: this is why they are comparable. The caliph is here given the edge over the prophet on the ground that whereas a messenger simply delivers a message, a deputy is authorised to act on behalf of his employer, and this sounds strained because it is clear that everyone knew better: what is being offered is simply a clever argument. The stories presuppose both that the last prophet had begun to acquire his capital 'P' at the cost of earlier prophets and subsequent caliphs alike, and that parity between them was the starting point. In the early days of the dynasty when somebody reminded Mu'āwiya that he was mortal 'like previous prophets and caliphs of God', the speaker took this parity for granted.²²

17 Ibn Abī 'l-Hadīd, *Sharh*, vol. xv, p. 242. Ibn 'Abd Rabbih has part of this story, but not the scandalous suggestion regarding 'Abd al-Malik's palace ('Iqd, vol. v, p. 51).

18 Mas., *Murūj*, vol. iii, §2094 = v, pp. 338f.; 'Iqd, vol. v, p. 52¹⁻⁶; Abū Dāwūd, *Sunan*, vol. ii, p. 514; al-Maqrīzī, *al-Nizār wa'l-rakhāṣun fī-mā bayna Bani Umayya wa-Bani Hāshim*, ed. G. Vos, Leiden 1888, p. 29. Cf. also al-Jāḥiẓ, 'Risāla fī 'l-nābita' in *Rasā'il al-Jāḥiẓ*, ed. 'A.-S. M. Hārūn, Cairo 1964-79, vol. ii, pp. 16f.; Ibn 'Asākir, *Tahdhīb*, vol. iv, p. 72.

19 Tab., ser. ii, p. 1199 (al-Walīd I); *Aghānī*, vol. xxii, p. 18 (Hishām); cf. also M. J. Kister, 'Some Reports Concerning Mecca from Jāhiliyya to Islam', *Journal of the Economic and Social History of the Orient* 15 (1972), p. 91, citing al-Fākihī. Al-Walīd did not however have any doubt that a *nabī khalīfa* (such as David) was more highly regarded by God than a *khalīfa* who was not a *nabī* ('Iqd, vol. i, p. 71²).

20 *Aghānī*, vol. xxii, p. 17.

21 al-Dīnawarī, *al-Akhbār al-ṣiwāl*, ed. Guirgass, Leiden 1888, p. 346, where Hishām's interlocutor is named as 'Abdallāh b. Ṣayfī; cf. also Tab., ser. ii, pp. 1818f., where he is Ibn ShQY and Khālid al-Qasrī is outraged by the argument; and al-Maqrīzī, *Nizār*, p. 29.

22 Dāḥhāk b. Qays in connection with the *bay'a* to Yazīd I in Ibn Qutayba, *Imāma*, pp. 156f. Note also the amusing story in Tab., ser. ii, pp. 206f.; Bal., *Ans.*, vol.

Fuller evidence, however, is available in Umayyad poetry, most of it Marwānid. It cannot be said that complete parity obtains between prophets and caliphs here. The poets speak of the Prophet rather than prophets, and they automatically assume him to rank higher than caliphs;²³ caliphs only rank higher than the rest of mankind.²⁴ Even so, the Prophet's edge is thin. Caliphs are inferior only in that they do not receive revelation; and if God had not restricted the gift of prophecy to prophets, the caliphs would have been messengers themselves, as we are told with reference to Yazīd II²⁵ and Hishām.²⁶ (Thomson's claim that al-Farazdaq credits 'Abd al-Malik with the gift of prophethood is not however correct.)²⁷

iv/a, p. 24 = vol. iv/1, § 109, in which a delegation of Egyptians/Himṣīs who have been told not to address Mu'āwiya as *khāṣīṣa* becomes so terrified that they address him as *rasūl Allāh* instead.

- 23 Thus Yazīd II was the best of the people on earth – the living and the dead – except for him through whom the *dīn al-bariyya* shone forth (Farazdaq, vol. II, p. 432^a); apart from the Prophet, he was also the best of people in terms of parentage (*ibid.*, vol. II, p. 434^a); he had nobody above him except God and *nubuwwa* (*ibid.* p. 682, last two lines). Hishām was the son of the best people, Muḥammad and his Companions excepted (*ibid.*, p. 535¹). There has been no shepherd on earth to compare with Sulaymān, not that is since the death of the Prophet and 'Uthmān (*ibid.*, p. 637, ult.); there has been no shepherd in Islam to compare with Yazīd II, once more with the qualification 'since Muḥammad and his companions' (*ibid.*, p. 889^a).
- 24 That much is clear from the references given in the previous note. In addition, however, we are told that 'Abd al-Malik was *khayr al-bariyya* (Akhṣāl, p. 74²), that Sulaymān was *khayr al-nās* (Farazdaq, vol. II, p. 623^c), and that al-Walīd II was *khayr al-bariyya kullihā* (*ibid.*, p. 510^a); al-Rā'i thought that there was nobody like himself in Syria, except for the imam (no. 16:47). Ibn Qays al-Ruqayyāt thought Muṣ'ab the best of people, the *amīr al-mu'minīn* excepted (no. 51:2). And after the death of the Prophet nobody's death was so highly lamented as that of al-Hajjāj except for those of caliphs (Farazdaq, vol. II, p. 529, ult.; cf. p. 495^a, where the same is said of al-Hajjāj's relatives).
- 25 If Jesus had not foretold and described the Prophet, Yazīd II would have been taken for one; and though he was not a prophet, he would still be the companion of one in Paradise, along with Abū Bakr, 'Umar and 'Uthmān (Farazdaq, vol. I, p. 264^{a-7}); if there were to be a *nabī* after the *muṣṭafā*, it would be Yazīd II that God would choose (*ibid.* vol. II, p. 829¹⁻²).
- 26 Farazdaq, vol. II, p. 846⁷⁻⁸, where *dhawū l-ilm* who *lakallamū biki'an rasūl Allāh* say that if the holy spirit were sent to other than prophets, Hishām would be in receipt of revelation.
- 27 W. Thomson, 'The Character of Early Islamic Sects' in *Ignace Goldziher Memorial Volume*, ed. S. Löwinger and J. Somogyi, Budapest 1948, p. 92, repeated by Ringgren, 'Some Religious Aspects', p. 739, and Morony, *Iraq*, pp. 480f. Thomson was misled by R. Boucher (ed. and tr.), *Divan de Farazdat*, Paris 1870, p. 626 of the French text, where al-Farazdaq is made to say that the imam 'qui a reçu (du Seigneur le don de) prophétie briser leur pièges'; what he actually said was that 'the one who has bestowed prophecy (sc. God) broke their guile' (with reference to 'Abd al-Malik's victory over Ibn al-Ash'ath, cf. *ibid.*, p. 208¹¹ of the Arabic text = Farazdaq, vol. I, p. 296¹¹).

Indeed, Marwān I was an imam to whom prostration (*sujūd*) would have been made were it not for the *nubuwwa*.²⁸ As in the letter of al-Walīd II, the caliphs are the legatees of prophets.²⁹ From Abraham they have inherited every treasury and every prophetic book,³⁰ and they fight with the swords of prophethood, by right of prophethood,³¹ above all, of course, the prophethood of Muḥammad, whose covenant they implement.³² But though Muḥammad is now clearly invoked to legitimate the caliphate, it is to God on the one hand and 'Uthmān on the other that the caliphs are directly indebted for their authority. 'The earth belongs to God, who has appointed His *khalīfa* to it', as al-Farazdaq put it, echoing Mu'āwiya.³³ 'God has garlanded you with caliphate and guidance', as Jarīr said.³⁴ The caliph is God's trustee (*amīn Allāh*),³⁵ God's governor, and governor on behalf of truth.³⁶ He is God's chosen one, as several poets state.³⁷ But the reason why God chooses Umayyads rather than others is that the Umayyads are kinsmen of 'Uthmān. There is no lack of dynastic legitimism in this poetry, the fact that a particular caliph has *inherited* his authority being stressed time and again.³⁸ Ultimately, they have

28 Farazdaq, vol. I, p. 174⁶.

29 Cf. Farazdaq, vol. II, pp. 632⁹ (Sulaymān inherited the [legacy of] *nubuwwa*), 830¹¹ (*warīthū turātī Muḥammad kānū bihi owlā*); 'Urwa b. Udhayna, *Ši'r*, ed. Y. W. al-Jubūrī, Baghdad 1970, p. 244 (*warīthnā rasūl Allāh' iñhā mubuwwat*¹⁰).

30 Farazdaq, vol. II, p. 829⁶.

31 Farazdaq, vol. II, pp. 681, ult., 682¹.

32 *Addayra alladhu 'ahda al-rasūl*, as Jarīr tells Sulaymān (p. 432¹²); al-Walīd I was *wālī li-'ahd Allāh* (*ibid.*, p. 384⁶) or *wālī 'ahd Muḥammad* (Farazdaq, vol. II, p. 418²).

33 Farazdaq, vol. I, p. 25⁶.

34 Jarīr, 474⁶.

35 Cf. above, chapter 2, note 85.

36 Farazdaq, vol. II, pp. 794¹⁰ (*anūm wulāt Allāh*), 852¹¹ (*wālī al-ḥaqqa*); Jarīr, pp. 390¹⁰ (*wulāt al-ḥaqqa*), 508⁹ (*wālī al-ḥaqqa*).

37 Farazdaq, vol. I, p. 296⁶ (in general); vol. II, pp. 433² (*Yazīd II*), 785⁶, cf. 840¹ (*Hishām*); Jarīr, p. 492⁶ (*al-Walīd I*); Ibn Surayj citing al-Āhwāṣ in *Aghānī*, vol. I, p. 298⁶ (*al-Walīd I*); Ru'ba b. al-'Ajjāj in W. Ahlwardt (ed. and tr.), *Sammlungen alter arabischer Dichter*, vol. III, Berlin 1903, no. 61: 195 (p. 113) (*Marwān II*).

38 Farazdaq, vol. I, pp. 88¹¹ (you are the sixth of six caliphs, father, uncle, 'Uthmān, etc), 169⁶ (you have inherited from Ibn Ḥarb, Ibn Marwān and the one through whom God helped Muḥammad), 174⁶ (the son of two imams whose father was also an imam); vol. II, pp. 418¹⁷ (al-Walīd inherited the caliphate from seven ancestors, including 'Uthmān), 655¹⁰, 656⁹ (Sulaymān inherited the caliphate from his father/was given it by God, either way not by *ghāṣb*), 704¹⁷ (al-Walīd I inherited *mulk* from his father like Solomon from David), 768¹⁴ (God caused al-Walīd to inherit *mulk*, the contrast with *ghāṣb* being stressed once more), 829⁶ (*turātī Abī'l-Āṣ*), 846¹⁸ (B. Marwān inherited the emblems of power), 852¹⁰ (they did not inherit it *kalālātān*, i.e. from a collateral or distant ancestor), 853¹⁰ (they inherited the caliphate of a rightly guided one). The theme is much less prominent in Jarīr, but cf. pp. 149, ult., and 367² (are you not the son of the imams of

inherited it from 'Uthmān,³⁹ a friend and helper of Muḥammad's,⁴⁰ who was chosen by a *shūrā*⁴¹ and raised up by God Himself,⁴² and who was thus a legitimate caliph wrongfully killed.⁴³ In raising up Umayyad caliphs, God gives His deputy something to which He has a hereditary right.⁴⁴ The Umayyads have always been caliphs and always will be, we are assured.⁴⁵ In short, the Umayyads are God's chosen lineage.

It is clear from this that, as far as the Umayyads were concerned, the Umayyad period began with 'Uthmān, not with Mu'āwiya, and this makes sense, given that they never regarded 'Alī as anything but a pretender. There is a case for adopting the periodisation proposed by the Umayyads themselves; after all, the classical view that 'Alī was the fourth caliph reflects doctrinal developments of the ninth century, not contemporary opinion: in contemporary perspective 'Alī was a pretender, on a par with the other protagonists of the first civil war.⁴⁶ More importantly in the present contest, however, it is also clear that the growing prominence of Muḥammad was bad for Umayyad dynastic legitimacy. As long as Muḥammad belonged to another era, it was enough to have been chosen by God Himself, but not so when he had come to initiate the present: at this point some direct link with

Quraysh, addressed to 'Abd al-'Azīz b. al-Walīd; cf. al-Farazdaq, vol. II, p. 656,⁴⁷ where it is addressed to Sulaymān). Both state that the Umayyads have inherited an exalted building (Jārī, p. 256⁴⁸; Farazdaq, vol. I, p. 266⁴⁹). Ibn Qaysal-Ruqayyāt stresses that they have 'inherited the *minbar* of *khilāfa*' (no. 2:10). Cf. also 'Urwa b. Udhayna, p. 281⁵⁰.

39 In addition to the references given in the preceding note, see Farazdaq, vol. I, pp. 27⁵¹ (the *urāh* of 'Uthmān to which they were the heirs), 295, ult. (similarly), 351, penult.; vol. II, p. 418⁵² (again stressing inheritance from 'Uthmān).

40 Farazdaq, vol. I, pp. 169⁵³, (the one through whom God helped Muḥammad), 312⁵⁴ (*khalīl al-nabī al-muṣṭafā wa-muḥājiruhu*), 90⁵⁵ (*khalīl Muḥammad wa-imām ḥaqqa* and the fourth of the best to tread the ground).

41 Farazdaq, vol. I, pp. 265⁵⁶-⁵⁷ ('Uthmān's power went back to a *waṣīyya min Abī Ḥafṣ*, he was chosen by the Muḥājirūn; compare vol. I, p. 86⁵⁸ on *waṣīyyat iḥāni 'ihnayn bā'da Muḥammad*); vol. II, p. 418⁵⁹ (*wa-iḥānū mashūrārahā li-'Uthmān allātī kānāt surāh nabiyyīnā al-muṣakħayyār*), 646⁶⁰, 768⁶¹ (the *mashūra* again).

42 Farazdaq, vol. II, p. 768⁶².

43 Farazdaq, vol. I, p. 312⁶³, 329⁶⁴; vol. II, pp. 419⁶⁵, 768⁶⁶-⁶⁷; Rā'ī, no. 58:54; cf. also 'Abdallāh b. al-Zabīr's reference to 80,000 people led by Gabriel (apparently the Syrian army at the time of al-Mukhtār) whose *dīn* was the *dīn* of 'Uthmān (Shīr, ed. Y. al-Jubūrī, Baghdad 1974, p. 78).

44 This point is made with particular clarity by al-Farazdaq (vol. II, p. 768⁶⁸-⁶⁹, addressed to al-Walīd I); and al-Akhṭal puts it very succinctly: *a ṣākum Allāh mō anīnū aḥaqqū bīh* (p. 73⁷⁰).

45 Farazdaq, vol. I, p. 224⁷¹; vol. II, p. 709⁷²; Nābighat B. Shaybān, p. 123⁷³; 'Ahdallāh b. al-Zabīr, p. 86⁷⁴.

46 Cf. W. Madelung, *Der Imam al-Qāsim ibn Ibrāhīm und die Glaubenslehre der Zaiditen*, Berlin 1965, pp. 223ff.

him was required. It was all very well to argue that 'Uthmān had been his friend and helper, and that his own Companions had elected him caliph, but such arguments did not carry much weight. Once the Prophet had acquired his capital 'P', straight descent from him was an unbeatable claim.

But though the Prophet had begun to undermine the claim of the Umayyads to the caliphate by the time the poets start to speak of him, he still had not affected the nature of the caliphate itself. It is the nature of the caliphate which concerns us here, and on this point the poets are of riveting interest. In essence their message is that however important the Prophet may have been in the past and indeed still is, the caliphs are central to the faith here and now.

The caliphs are central to the faith in two ways. First, they are 'the tent pegs of our religion' (*awtād dīnīnā*),⁴⁷ not just in the sense that they keep the community of believers together, defend it and see to its administration, but more particularly in the sense that without them, it would *ipso facto* cease to be a religious community. 'Were it not for the caliph and the Qur'ān he recites, people would have no judgements established for them and no communal worship', Jarīr declared.⁴⁸ 'He who does not hold fast to God's trustee will not benefit from the five prayers' (*man lam yakun bi-amin Allāh mu'taṣim an fa-laysa bi'l-ṣalawāt al-khams yanqaf'u*), an 'Abbāsid poet echoed with reference to Hārūn.⁴⁹ Three centuries later al-Ghazālī was similarly to argue that if the caliphate was deemed to have come to an end, all religious institutions would be in a state of suspension and all acts performed under Islamic law deprived of their validity.⁵⁰ In other words, there is no *uwma* without an *imām*: it is the leader who constitutes the community, and without him God's ordinances cannot be implemented.⁵¹ It is in this vein that the caliphs are described as 'the imams of those who pray',⁵² that 'Umar II is told that he has become an adornment of the abiding *minbar*,⁵³ and that numerous other caliphs are flattered with reference to the judgements established by them.⁵⁴

47 Farazdaq, vol. II, p. 623¹⁰; cf. p. 845¹¹: *bihi 'amadū 'l dīn* (of Hishām).

48 Jarīr, p. 355¹². An alternative reading is 'and the Qur'ān we recite'.

49 Aghānī, vol. xix, p. 74, where the poem, described as *gawl al-Namārīsī 'l-Rashid*, is recited to al-Mu'taṣim; al-Khaṭīb al-Baghdādī, vol. iv, p. 150.

50 Ghazālī, *Faḍā'ih*, ch. 9; al-Zāhirī (d. 872/1462) also refers to this argument (*Zubdā*, p. 89).

51 Cf. al-Walīd II's letter, below appendix 2, where it is for the implementation of these ordinances that the caliphate is instituted. 52 Jarīr, p. 511¹³.

53 Jarīr, p. 275¹⁴. Compare *ibid.*, p. 508¹⁵, where Hishām is *wālī al-ḥaqqa* who leads the pilgrimage. 54 Cf. below, chapter 4.

Secondly, the caliph is 'like the *qibla* through which every erring person is guided away from error'.⁵⁵ The role of the imam is not only to validate the community of believers, but also to be its source of guidance (*hudā*), a prerequisite for salvation. Salvation was seen primarily as a matter of finding the right path, and what the Prophet had done was precisely to bring guidance at a time when 'the waymarks of truth had become effaced'.⁵⁶ Islam itself was synonymous with right guidance,⁵⁷ and it is above all with such guidance that the poets associate the caliphate.

Thus it is with *khalīfa* and *hudā* that God has invested the caliphs according to Jarīr.⁵⁸ The caliph is 'the *khalīfa* of God among His subjects through whom He guides mankind after *fitna*',⁵⁹ and 'the imam in the furthest mosque through whom the hearts of the perplexed are guided away from error'.⁶⁰ The Umayyads unite people on guidance after their views have diverged.⁶¹ They and their governors make plain the *subul al-hudā*, 'the paths of guidance'.⁶² 'Through you He has guided every confused person', al-Farazdaq says.⁶³ The caliph is *imām al-hudā*, 'imam of guidance',⁶⁴ and as such

55 Farazdaq, vol. II, p. 623, ult. (to Sulaymān).

56 Cf. appendix 2, p. 119.

57 Muḥammad was sent with *hudā* and *dīn al-haqqa*, as the epigraphic coinage proclaims, echoing Qur. 9:33 (cf. above, note 8); compare also the formula *al-salām 'alā man iṣtab'a 'l-hudā*, used in letters to infidels (*fi khūṭāb al-kāfir*, Qalqashandī, *Subḥ*, vol. VI, p. 366, with sundry examples in the following pages; there are numerous early examples in the Qūta papyri, cf. for example A. Grohmann, *From the Worlds of Arabic Papyri*, Cairo 1952, pp. 125ff.); there are also numerous early examples of Muslims using it in letters to Muslim opponents, cf. Ṣafwat, *Rasūl*, vol. II, pp. 105, 179, 288, 300). Muḥammad was thus *nabī al-hudā* (see for example Ḥassān b. Thābit, no. 22:12; al-Walīd b. Yazīd, *Shī'r*, ed. H. 'Aṭwān, 'Amrān 1979, p. 61; Wākīr, *Quḍāh*, vol. I, p. 216); he was also *imām al-hudā* (see for example al-Nu'mān b. Bāshīr, *Shī'r*, ed. Y. W. al-Jubūrī, n.p. 1968, no. 4:28; cf. 22:26), what he had brought being *hudā* (*ibid.*, no. 4:12) or a religion in which there was *hudā* and *shāfi'i* ('Abbās b. Mīrdās in Iblīs Hishām, *al-Sīra al-nabawiyya*, ed. M. al-Saqqā and others, second printing, Cairo 1955, vol. II, p. 464); and so on.

58 Jarīr, p. 474^a.

59 Farazdaq, vol. I, p. 289^a.

60 Farazdaq, vol. II, p. 619¹⁰.

61 Aghānī, vol. IV, p. 425⁷ (Ismā'il b. Yasār). Compare the passages cited below, note 119.

62 Jarīr, p. 90^a-^b (of al-Hajjāj); compare Nābighat B. Shaybān, p. 29^a on Umayya (*subul al-haqqa*).

63 Farazdaq, vol. I, p. 329^a; cf. also Jarīr, pp. 4^a, 5^a (where the Tamīm who have repented of their 'Alid sympathies are said to have returned to *husn al-hudā*), 384^a, 440¹¹, 474^a.

64 'Abd al-Malik referred to the Zubayrid insurrection as one directed against *a'imma al-hudā* (Tab., ser. II, p. 743). A'shā B. Taghīib remembered al-Walīd I, as an *imām hudā* (Aghānī, vol. XI, p. 283⁹). Yazīd II was likewise praised as an

he is associated with light. He is 'guidance and light',⁶⁵ 'the light of the land',⁶⁶ and the one 'through whose light every seeker of guidance is guided to *hudā*'.⁶⁷ He is 'a light which has illuminated the land for us',⁶⁸ 'the moon by which we are guided'.⁶⁹ He sets up a 'beacon of guidance' (*manār*⁷⁰ *lī l-hudā*) wherever he goes.⁷¹ His kinsmen and governors are similarly 'lights of guidance', full moons, stars and the like.⁷² He disperses darkness⁷³ and makes the blind see.⁷⁴ He revives both land and souls,⁷⁵ being rain (*ghayrīh*) in both a literal and a metaphorical sense: one asks for rain no less than for guidance from him.⁷⁶

imām hudā by *Kutbayyir*, though the line is also said to have been addressed to 'Abd al-Malik (*Kuthayyir 'Azza*, *Dīwān*, ed. I. 'Abbās, Beirut 1971, p. 342⁷⁷, cf. the editorial introduction to this poem); Yazīd II was also an imām of guidance according to al-Farazdaq (vol. n, p. 433⁷⁸: *imām al-hudā wa'l-muṣṭafā 'l-muṣṭafā*). So was Hisbām, indeed the Marwānid caliphs in general, according to the same poet (vol. ii, p. 846⁷⁹). A poem in which 'Abd al-'Azīz b. Marwān is prematurely described as *khalīfa* characterizes him and his son as *imām* *hudā* too (Kindī, *Governors*, p. 56). As so often, the Zubayrids were praised in the same terms as the Umayyads: Muṣ'ab b. al-Zubayr was an imām of guidance according to al-Muhallab's troops (Tab., ser. ii, p. 82⁸⁰).

65 al-Quṭāmī, *Dīwān*, ed. I. al-Sāmarrā'ī and A. Maṣlūb, Beirut 1960, p. 148⁸¹ ('Abd al-Malik), cf. Qur. 5:50.

66 al-'Abalī in *Aghānī*, vol. xi, p. 309⁸²; cf. Farazdaq, vol. ii, p. 767⁸³ (*nūr al-nās*).

67 Farazdaq, vol. i, p. 165⁸⁴ (*khalīfa ahl al-ard asbāha daw'uhu biki kāna yahdi lī l-hudā kūlū muhiadi*).

68 Akhṭal, p. 74⁸⁵.

69 Farazdaq, vol. ii, p. 704⁸⁶; cf. also p. 433⁸⁷; Jarīr, p. 254⁸⁸, (God gave Yazīd II a *mulk wādih al-nūr*); Nābighat B. Shaybān, p. 49⁸⁹ (Yazīd II as light); Yazīd b. Dabbā in *Aghānī*, vol. vii, p. 99⁹⁰ (al-Walīd II is an *imām* *yūdihū 'l-haqq lahu nūr 'alā nūr*).

70 Jarīr, p. 4⁹¹; Jarīr says much the same of Khālid al-Qasrī in his *Dīwān*, ed. N. M. A. Tāhā, Cairo 1969-70, vol. ii, p. 606⁹² (al-Šāwī's version, p. 177, omits the line in question). Muḥārib b. Dīthār in *Wakī'*, *Qudāh*, vol. iii, p. 33⁹³ ('Umar II). Compare also 'Iqd, vol. iv, p. 91⁹⁴⁻⁹⁵, where al-Walīd I refers to what 'Abd al-Malik had set up *min manār al-Islām wa-ālāmihi*.

71 Farazdaq, vol. ii, p. 541⁹⁶ (*nūr* *hudā*, of al-'Abbās b. al-Walīd); Nābighat B. Shaybān, p. 123⁹⁷; Ibn Qaysal-Rū'ayyāt, no. 2: 12 (p. 75). Note also that al-Iṣājjāj's *Wāsiṭ* is a *nūr lī l-hudā* (al-'Ajjāj, *Dīwān*, ed. W. Ahlwardt in *Sommlungen alter arabischer Dichter*, vol. ii, Berlin 1903, no. 12:66, p. 23).

72 Farazdaq, vol. i, pp. 289⁹⁸, 296⁹⁹, 329¹⁰⁰; vol. ii, pp. 619¹⁰¹, 620¹⁰², 785¹⁰³, 830¹⁰⁴; Rā'i, no. 16:53; Quṭāmī, p. 148¹⁰⁵.

73 Farazdaq, vol. i, pp. 289¹⁰⁶, 329¹⁰⁷, 352¹⁰⁸; Rā'i, no. 16:53.

74 Farazdaq, vol. ii, pp. 839, penult., 845¹⁰⁹, 889¹¹⁰; Ibn Surayj citing al-Āḥwāṣ in *Aghānī*, vol. i, p. 298¹¹¹.

75 Farazdaq, vol. ii, pp. 541¹¹², 638¹¹³, 767¹¹⁴ (*ghayrīh al-bilād wa-nūr al-nās fi'l-zulam*), 831¹¹⁵, 845¹¹⁶, 889¹¹⁷; Jarīr, p. 274¹¹⁸; Rū'ba, no. 39:41 (p. 103); Ibn Surayj citing al-Āḥwāṣ and 'Adī b. al-Riqā' in *Aghānī*, vol. i, pp. 298¹¹⁹, 300¹²⁰; 'Abbās b. Muḥāmmad in *Aghānī*, vol. xxv, p. 217¹²¹; for al-Walīd II's accession as *maṣar*, see Walīd, *Shīr*, p. 55¹²². For the caliph through whom rain is sought (*yusrasqā biki 'l-maṣar*, see above, chapter 2, pp. 8f., and Ringgren, 'Some Religious Aspects'.

The caliph is a source of guidance because he is himself blessed and rightly guided. 'Uthman was a *khalīfat*⁷⁶ *mahdiyya*⁷⁷, 'a rightly guided caliph', as Mu'āwiya's messengers told 'Alī.⁷⁸ As far as al-*Iājjāj* was concerned, Abū Bakr, 'Umar, 'Uthmān, Mu'āwiya and 'Abd al-Malik were the four (sic) *khulāsā*' *al-rāshidūn al-muhtadūn al-mahdiyyūn*.⁷⁹ Similarly, in poetry 'Abd al-Malik is *al-mubārak yahdī Allāh shī'atāhu*, 'the blessed one [through whom] God guides His adherents'.⁸⁰ Sulaymān is the *mahdī*, the rightly guided one, through whom God guides whoever is in fear of going astray,⁸¹ and through whom He disperses darkness;⁸² he is also the *mubārak* and *mahdī* who makes plain the road,⁸³ and through whom 'God has delivered us from evil'.⁸⁴ 'Umar II was *al-mubārak al-mahdī sīratuhu*, 'the blessed one whose conduct is rightly guided';⁸⁵ he is also the *mahdī* in prose.⁸⁶ Yazīd II is *al-mubārak al-maymūn sīratuhu*, 'the blessed one whose conduct is auspicious'⁸⁷ and to whom God has given *ra'fat*^a *mahdiyya*⁸⁸, 'the mercy of a rightly guided one'.⁸⁹ Hishām is *al-mahdī wa'l-hakam al-rashīd*, 'the rightly guided one and the judge who follows the right path',⁹⁰ as well as 'the *mahdī* in whom we seek refuge when frightened'.⁹¹ Al-Walīd II is both the *mahdī*⁹² and *al-qā'id al-maymūn wa'l-muhtadā bihi*, 'the auspicious leader and the one by whom one is guided'.⁹³ 'Stand up, O Commander of the Faithful, *rāshid*^a *mahdiyya*^a', as Yazīd III was told, though not by a poet.⁹⁴ In poetry the Umayyads in general are *hudāt wa-mahdiyyūn*, 'guiding and rightly guided'.⁹⁵

Being *mahdiyyūn*, the caliphs are strongly associated with justice. The justice of caliphal *sunna* loosens burdens⁹⁶ and heals: 'through

76 Tab. ser. i. p. 3277; Naṣr b. Muzāḥīm, *Waqā'at Sīfīn*, p. 200.

77 *Yqd*, vol. iv, p. 122. Possibly Abū Bakr was added by a copyist who forgot to revise the figure accordingly, but it is odd that Yazīd I and Marwān I should have been omitted.

78 Jarīr, p. 356².

79 Farazdaq, vol. II, p. 655⁶.

80 Farazdaq, vol. II, p. 620¹⁰.

81 Jarīr, p. 432¹¹.

82 Farazdaq, vol. i, p. 326¹ (*fa-ajabu da'watana wa-anqadhanā bi-khilāfat al-mahdī min qurr*). Cf. also vol. II, pp. 638, ult., where he is once more *mahdī*, and 623⁶, where he is *khayr al-nās* and *muhiyadā bih*).

83 Jarīr, p. 275⁷.

84 Ibn Sa'd, *Tabaqat*, vol. v, p. 333 (three times); Nu'aym b. Ḥammād, *Fīran*, fol. 99a, 102a (we owe this reference to Michael Cook).

85 Jarīr, p. 390⁹.

86 Farazdaq, vol. II, p. 544⁶.

87 Jarīr, p. 147⁹.

88 Jarīr, p. 505, penult.

89 Farazdaq, vol. I, p. 7, ult.

90 Farazdaq, vol. II, p. 510⁶.

91 *Kitāb al-uyūn wa'l-hadā'i*, ed. M. J. de Goeje, Leiden 1871, p. 136.

92 Farazdaq, vol. I, p. 88¹, of al-Walīd I's predecessors. A governor such as Naṣr b. Sayyār was also flattered as *al-mālik al-mahdī* (Farazdaq, vol. I, p. 347, ult.).

93 Farazdaq, vol. I, p. 328¹; cf. p. 329².

the justice of your hands you heal the sicknesses of breasts';⁹⁴ 'through your justice you have cured everyone who thirsts'.⁹⁵ 'Come to Islam, justice is with us', as we are told.⁹⁶ Adherents of 'Uthmān held this caliph to have been an *imām 'adl*;⁹⁷ Mu'āwiya was an *imām 'ādil*;⁹⁸ 'Abd al-Malik was flattered as *khalīfah al-'adl*,⁹⁹ an epithet also attested for 'Umar II,¹⁰⁰ who elsewhere appears as *al-imām al-'ādil*,¹⁰¹ and both Yazīd II and Hishām were described as *imām al-'adl*.¹⁰² The Commander of the Faithful is *imām^{an} wa-'adl^{an} li'l-bariyya*, Jarīr said with reference to 'Abd al-Malik.¹⁰³ According to al-Farazdaq, Sulaymān made every place of oppression (*jawr*) a place of justice ('adl).¹⁰⁴ Hishām filled the earth with justice and light.¹⁰⁵ He also filled it with mercy (*rahma*),¹⁰⁶ and with light, mercy, justice and rain, having been placed over the people as a source of security and mercy (*amn^{an} wa-rahmat^{an}*).¹⁰⁷

Though *mahdī* is evidently not an eschatological epithet in these passages, it is hard to avoid the impression that the term refers to a redeemer. The *mahdī* of court poetry is not simply a person who walks in the right path,¹⁰⁸ but rather a deliverer from evil – someone who fills the earth with justice, mercy and light, who heals and who vivifies. 'He answered our prayer and saved us from evil through the caliphate of the *mahdī*', as al-Farazdaq said with reference to Sulaymān.¹⁰⁹ But this is not a point we wish to pursue in this

94 Farazdaq, vol. I, p. 352².

95 Farazdaq, vol. I, p. 329³; compare vol. II, p. 839, ult., where we are told of Hishām that he 'brought the *sunna* of the two 'Umars in which there is *shifā'* li'l-sudūr min al-saqām'.

96 Farazdaq, vol. II, p. 623⁹, with reference to the death of al-Hajjāj and the accession of Sulaymān. Cf. p. 638¹¹ (Sulaymān put right every *qaḍā' jā'ir*, followed by a reference to *al-qaḍā' bi'l-haqqa*); Jarīr, p. 432¹².

97 Muḥārib b. Dithār in *Wakī'*, *Qudāh*, vol. III, p. 29.

98 *Iqd*, vol. I, p. 46⁴.

99 Jarīr, p. 440³.

100 Ibn Sa'd, *Tabaqāt*, vol. V, p. 387.

101 Jarīr, p. 415⁹.

102 Jarīr, pp. 256¹, 505⁵.

103 Jarīr, p. 440⁶.

104 Farazdaq, vol. II, p. 639³; for other statements on the justice of this caliph, see above, note 87.

105 Farazdaq, vol. II, p. 840⁹ (*ra'ayruka qad mal'a ta 'l-arḍ^{an} 'adl^{an} wa-kiya mulbasar al-ṣalām*). Compare *ibid.*, vol. I, p. 165¹⁰⁻¹¹ (*amīr al-mu'minīn bi'-adlihi . . . wa-lā zu'lma mā dāma al-khalīfah qā'im^{an} Hishām^{an}*); Jarīr, p. 505² (*amīr al-mu'minīn qadā bi'-adl^{an}*).

106 Farazdaq, vol. II, p. 845⁹; cf. p. 534, ult. (*rahma* and *'adl* of the imam).

107 Farazdaq, vol. II, p. 852¹³⁻¹⁴.

108 Cf. I. Goldziher, *Introduction to Islamic Theology and Law*, Princeton 1981, p. 197n.

109 Above, note 76.

chapter.¹¹⁰ What we do wish to stress is that salvation was perceived as coming through the caliph; and we should like to illustrate this further with reference to two notions commonly attested in both poetry and prose.

First, the caliphs (or the caliphal institution) are described as 'refuge' or 'stronghold' (*iṣma*), a word with Qur'ānic resonance (cf. 3:96, 'he who seeks refuge in/holds fast to God (*yā'ṣimū bīllāh*) is guided to a straight path'). The metaphor conveys that it was the caliphs who saved the believers from error in both a political and a religious sense, or, as others put it, that the caliphs were the pillars of the religion. 'God . . . created from among His creatures servants whom He placed as tent-pegs for the pillars of His religion; they are His guardians [*rugabā*] over the land and His deputies [*khulafā*] over the servants, and through them He has turned darkness into light, united the religion, strengthened that which is certain, granted victory, and put down the overmighty', the future Marwān I told Mu'āwiya.¹¹¹ 'God has made you a refuge (*iṣma*) for His friends and a source of injury for His enemies . . . through you God, exalted is He, makes the blind see and guides the enemies [to the truth]', 'Abdallāh b. Mas'ada al-Fazārī told the same caliph, conveying much the same message.¹¹² 'Through him God protected (*asama*) mankind from perdition', as a poet said of Mu'āwiya in a poem to Yazīd I.¹¹³ The caliph was a fortress (*ḥiṣn*),¹¹⁴ or 'a cave in which you seek refuge' (*ta'wūna*), as Ziyād b. Abīhi put it,¹¹⁵ just as he was 'the *mahdi* in whom we seek refuge (*naṣṣā'u*) when we are afraid', as Jarīr said of Hishām.¹¹⁶ He was a '*iṣma* against tyranny,¹¹⁷ and thus a '*iṣma* for orphans,¹¹⁸ but above all he was a refuge against that disunity which inevitably meant dispersal from the paths of guidance. The caliphate,

¹¹⁰ We shall return to it below, appendix I.

¹¹¹ Ibn Qutayba, *Imāma*, p. 164.

¹¹² Ibn Qutayba, *Imāma*, p. 158. Compare the speech of Abū 'l-Aswad's wife to Mu'āwiya: *inna llāh ja'ala ka khayṣarūn fī l-bilād wa-ragībūn 'alā 'l-ibād, yustaqṣā bika al-maṣar wa-yustanbaru bika al-shajār wa-ya'manu bika 'l-khā'if*, *wa-anta 'l-khalifa al-muqtaṣā wa'l-amīr/amīr/īmām al-murtadā* (al-'Abbās b. Bakkār al-Dabbī, *Akhbār al-wāfidāt min al-nisā' 'alā Mu'āwiya b. Abī Sufyān*, ed. S. al-Shīhābī, Beirut 1983, p. 74 and note 2 thereto).

¹¹³ *Aghānī*, vol. XII, p. 74¹; note that Mu'āwiya is *amīn Allāh* in the preceding line.

¹¹⁴ *Akhṭal*, p. 185²; cf. Bashshār b. Burd, vol. II, p. 304, where he is a lofty mountain (*ṣawd*, addressed to al-Malīkī).

¹¹⁵ *Tab.*, ser. II, p. 75.

¹¹⁶ Above, note 88.

¹¹⁷ *Farazdaq*, vol. I, p. 327, ult. (*ja'ala 'l-ilāh lanā khilāfatihu būr' 'l-qurūh wa-iṣmā' l-jabr*).

¹¹⁸ Jarīr, p. 218, penult. (of Yazīd II).

or rather obedience to it, was a 'iṣma, *maṣṣaṭ*, *multaja'*, *lamm li'l-shaṭṭ*, *wizr*, *man'a* against *fīrāq* and something which protects people (*ya'simuhum*) against all *ikhlāṣ* and *shiqāq*, according to al-Walīd II.¹¹⁹ It is in this vein that 'Abdallāh b. al-Zabīr told 'Abd al-Malik that 'you have protected us ('aṣamta nā) with Bishr', who was *al-qā'id al-maymūn* and *al-iṣma*, the *haqq* of which did away with everything *bāṭil*.¹²⁰ The caliph was a *iṣma mukhayyira bayna 'l-ḍalāla wa'l-rushd* for people, as Zulzul and/or others were later to say with reference to al-Ma'mūn.¹²¹ In short, the caliph was a refuge against error. Whoever clung to his *iṣma* would be saved, whoever ignored it would be damned: one would not seek refuge in God and thus be guided to a straight path without holding fast to His *khalīfa*.

Secondly, the caliphs (and the caliphal institution) are identified with God's rope, another Qur'ānic concept (cf. 3:98, 'and hold you fast to God's rope (*wa-'iṣṣimū bi-ḥabl Allāh*), together, and do not scatter'). Thus Mu'āwiya was 'an imam and a firm rope for mankind',¹²² or, in the words of his son Yazīd I, *ḥabl min ḥibāl Allāh*.¹²³ 'Your rope is God's rope', al-Farazdaq told Yazīd II and Hishām, stressing that whoever took hold of it would find it unbreakable.¹²⁴ 'Whoever holds fast to your rope [you will find that] the blindness of his eyes disappears', the same poet said to al-Walīd I.¹²⁵ According to al-Walīd II, God had strengthened the strands of His rope through His caliphs.¹²⁶ The caliph was thus seen as a lifeline to God, 'someone who stands between God and His servants', as an early author, reputedly al-Ḥasan al-Baṣrī, said with reference to the *imām al-adl*,¹²⁷ or as 'the rope extended between God and His creation', as al-Mutawakkil was pleased to be told.¹²⁸ The concept

¹¹⁹ Cf. appendix 2, pp. 120ff. Compare also Farazdaq, vol. i, p. 289¹: the Marwānids have made the religion of Muhammad triumph after *ikhlāṣ al-nās*. Similarly *ibid.*, p. 63² (God has united the prayer through Marwān). Cf. also the reference given above, note 61.

¹²⁰ Ibn al-Zabīr, p. 111. Compare *Aghānī*, vol. xii, p. 74, where Yazīd I is told that his father was *amīn Allāh* through whom God protected ('aṣma) people from harm. For al-Walīd II as *iṣma*, see *Aghānī*, vol. iv, p. 314¹⁴; compare also *Akhṭal*, p. 185², on al-Walīd I.

¹²¹ See the references given below, chapter 5, note 154.

¹²² 'Umar, 'Alqāb', p. 331, citing *Khizānat al-adab*, vol. ii, p. 515.

¹²³ *Iqd*, vol. iv, p. 89¹⁴; Ibn Qutayba, 'Uyūn, vol. ii, p. 238; discussed by Rotter, *Bürgerkrieg*, p. 249.

¹²⁴ Farazdaq, vol. ii, pp. 829¹¹ (Yazīd II), 839⁶ (Hishām). Similarly Jarīr, p. 506¹, to Hishām.

¹²⁵ Farazdaq, vol. i, p. 352².

¹²⁶ Cf. appendix 2, p. 120.

¹²⁷ *Iqd*, vol. i, p. 40²⁻¹⁰.

¹²⁸ Tab., ser. iii, p. 1387.

of the caliph as God's rope conveys much the same message as that of the caliph as a refuge: whoever holds fast to this rope is saved, whoever 'scatters' loses the paths of guidance. And both concepts underscore the fact that allegiance to a caliph was a precondition for salvation. Like the pope, the caliph presided over a religious community outside which no ritual act had any effect. 'Were it not for the caliph and the book he recites, people would have no judgement established for them and no communal worship', as Jarīr said.¹²⁹ 'Whoever dies without an imam dies a Jāhilī death', as even classical tradition states.¹³⁰ The Prophet had brought guidance in the past: like the caliphs he was both *mahdī* and *imām al-hudā*.¹³¹ But it was the caliphs who dispensed this guidance here and now. It is in this vein that Jarīr enumerates *nubuwwa*, *khilāfa* and *hudā* as more or less synonymous terms,¹³² while al-Farazdaq speaks of the *a'wād al-khilāfa wa'l-salām*, 'the staffs of the caliphate and salvation'.¹³³ Muḥammad might have become *sayyid al-mursalīn* at the expense of previous prophets and subsequent caliphs alike; but without these caliphs, the believers still had no access to his legacy.¹³⁴

It is for this reason that what looks to us like a choice between political rivals was in fact a religious one in early Islam. To give allegiance to an imam was to affiliate oneself to a guide who might

129 Above, note 48.

130 Ibn Ḥanbal, *Musnād*, vol. iv, p. 96. Compare *man māta wa-lā bay'a 'alayhi māta mītai al-jāhiliyya* (Ibn Sa'd, *Tabaqāt*, vol. v, p. 144); *mansāraqa al-jamā'a shibrān fa l-māl māta illā mītai al-jāhiliyya* and *man māta wa-qad razā'a yadāhu min bay'a kānat mītaruhu mītai dalāla* (listed by A. J. Wensinck and others, *Concordance et indices de la tradition musulmane*, Leiden 1936–69, s.vv. 'jāhiliyya' and 'bay'a' respectively; but note the avoidance of the word *imam* in these: the emphasis is on membership of the community rather than allegiance to a leader). Cf. also the dictum 'it is not permitted to stay one night without an imam', cited by Tyan, *Sultānat*, p. 304.

131 For *imām al-hudā*, see above, note 57. For Muḥammad as *al-mahdī*, see Ḥassān b. Thābit, no. 131:2; al-'Abbās b. Mirdās, *Dīwān*, ed. Y. al-Jubūrī, Baghdad 1968, no. 24:8; M. Hinds, 'The Banners and Battle Cries of the Arabs at Ṣifṭīn (657 AD)', *al-Abhāth* 24 (1971), p. 17. § 2; Brock, 'Syriac Views', p. 14 (citing Bar Penkaye and the Chronicle *ad 1234*, where Muḥammad appears as *mhaddī'ana*).

132 Jarīr, p. 474¹⁰.

133 Farazdaq, vol. ii, p. 840¹¹.

134 It should be clear from all this that we cannot agree with Nagel that the 'surrogate institution of the imamate... only played a purely negative role for the Umayyad caliphate' (*Rechtleitung*, p. 50). Nor are we convinced that the concept of the ruler as deputy of God became more intense under 'Abd al-Malik, as Rotter suggests (*Bürgerkrieg*, pp. 248ff.). But there is certainly more evidence for the Marwānids than there is for the Sufyānids, not least the poetry of Jarīr and al-Farazdaq: no other poets, be they earlier or later, adherents of the Umayyads or others, succeeded in describing the caliphal ideal with the overpowering eloquence of those two.

or might not be the true representative of God; it was to choose one's *umma*. The fact that 'Alī and Mu'āwiya may well have had identical beliefs in no way means that contemporaries were faced with a purely political dilemma. There was only one true imam and one true *umma*, so that whoever made the wrong choice would find himself outside the community where no amount of religious observance would save him from a *Jāhilī* death. Choosing the right imam (or more precisely proving that the imam chosen was the right one) was a matter of vital importance for salvation; disputes over his identity thus precipitated the formation of sects, and declaration of belief in the legitimacy of one's own came to form part of the creed. 'Do you confess that Mu'āwiya is the caliph?', an Umayyad governor asked of a Khārijite, executing him on his refusal to answer in the affirmative.¹³⁵ 'What do you say about Muṣ'ab?', Khārijites asked of al-Muhallab's troops, who declared him to be an imam of guidance; 'is he your leader (*wali*) in this world and the next... are you his followers (*awliyā'*) in life and death... what do you say about 'Abd al-Malik... are you quit of him in this world and the next... are you his enemies in life and death?'.¹³⁶ al-Ḥajjāj professed that 'there is no god but God, who has no partner, that Muhammad is His servant and messenger, and that he [al-Ḥajjāj] knew of no obedience except to al-Walīd b. 'Abd al-Malik; on this he would live, on this he would die, and on this he would be resurrected'.¹³⁷ In the reign of al-Mahdī an 'Abbāsid *naqib* died confessing that there is no god but God, that Islam is God's religion, that Muhammad is the messenger of God, and that 'Alī b. Abī Ṭālib is the legatee of the messenger of God, *ṣl'm*, and the heir to the imamate after him'.¹³⁸ An apostate who converted back to Islam in the time of al-Ma'mūn gave proof of his Muslim beliefs with the creed, 'I confess that there is no god but God, who has no partner, that the messiah is a servant of God, that Muhammad spoke the truth, and that you are the Commander of the Faithful'.¹³⁹ 'There is no religion except through you and no world except with you', as al-Ma'mūn was also told.¹⁴⁰ The creed which Bughā, the Turkish slave soldier, had learnt consisted in declaration of belief in the unity of God, in the messengership of Muhammad and in the kinship tie between the Prophet and the caliph on which

135 Tyan, *Califat*, p. 455, citing Ibn al-Āthīr, *Kāmi'*, vol. iii, p. 346.

136 Tab., ser. ii, p. 821.

137 Tyan, *Califat*, p. 455, citing Ibn al-'Asākir, *Tahdhīb* (vol. iv, p. 71).

138 Tab., ser. iii, p. 532.

139 Tyan, *Califat*, pp. 455f., citing the *Iqd*.

140 Tyan, *Califat*, p. 456, citing the *Iqd*, and Ibn Qutayba, *Shīr*, p. 549.

the latter's legitimacy had come to rest.¹⁴¹ The classical creeds which separate Sunnis, Shi'ites and Kharijites of course also contain declarations of belief in the legitimacy of the caliph or caliphs acknowledged by the sects in question.

The fact that it was around the caliphate that Muslim sects crystallised is inexplicable on the assumption that the caliph was never more than a political leader; and given that the process of crystallisation began in the first civil war, there is no question of seeing Umayyad innovations here. If Abū Bakr conceived the caliphate as a purely political institution, it had changed character by the time of 'Uthmān, presumably in tandem with the adoption of the title *khalīfat Allāh*. But in fact this is a most implausible proposition¹⁴². Just as *khalīfat Allāh* seems to have been the caliphal title from the start, so the caliphate must have been *min al-īmān*, 'part of the faith', from the moment of its inception.

141 W. M. Patton, *Aḥmed ibn Ḥanbal and the Miḥna*, Leiden 1897, p. 91.

142 Though for practical purposes this is what Tyan suggested (*Califat*, pp. 199ff.).

4

Caliphal law

If the deputy of God on earth was seen above all as a guide, what was the nature of his guidance? Obviously, in part it was political. The caliph was responsible for the maintenance of the community, the suppression of rebels, the conduct of *jihād*, and so forth; and the poets make no bones about the fact that guidance frequently took a militant form: where would people be, one of them asks, without the Marwānid ‘imam of guidance and beaters of skulls?’.¹ The Umayyads and their governors were God’s swords,² and as such they were invincible: obviously, whoever had God on his side could not be defeated.³ But what we are concerned with here is their spiritual role, and what we wish to demonstrate is that it was seen as consisting above all in the definition and elaboration of God’s ordinances, or in other words in the definition and elaboration of Islamic law.

In his letter concerning the succession, al-Walīd II expressed the opinion that God had raised up caliphs for the implementation of His *ḥukm*, *sunna*, *ḥudūd*, *farā’id* and *ḥuqūq*,⁴ a view which al-Ḥajjāj had apparently espoused before him.⁵ In the same vein Yazīd III stated that until the death of Hishām ‘the caliphs of God followed one another as guardians of His religion and judging in it according to His decree (*qādīnā sīhi bi-ḥukmihū*)’,⁶ while Marwān II described

1 *Faraḍaq*, vol. n, p. 846¹.

2 *Tab.*, ser. ii, p. 78 (of Ziyād b. Abīhi); al-‘Ajjāj, no. 29: 140, p. 48 (Yazīd I); *Faraḍaq*, vol. i, pp. 265¹, 286⁶; vol. ii, pp. 580¹¹, 695⁴ (Sulaymān, Bishr, Hishām and al-Ḥajjāj); *Jarīr*, p. 506¹⁰ (the Umayyads in general); cf. also *Aghānī*, vol. xi, p. 307; vol. xxii, p. 330.

3 *Faraḍaq*, vol. i, pp. 25⁶, 101⁴ (*ṣāḥib Allāh ghayr maghlūb, laysa bi-maghluūb man Allāh ṣāḥibuhu*).

4 Below, appendix 2, p. 120.

5 Cf. Ibn Qutayba, *Imāma*, p. 258, where al-Ḥajjāj writes to al-Walīd I *ṣa-ṣayka bīl-īslām fa-qawwim awadahu wa-sharā’i’ahu wa-huḍudahu*.

6 Below, appendix 2, p. 126.

the caliphate as having been instituted for the implementation of God's statutes (*sharā' i'dīnihi*).⁷ We may begin by examining the ways in which they sought to fulfil this task.

Most obviously, they acted as judges. The caliphal office is explicitly associated with adjudication in the Qur'ān: in 38:25 God tells David that 'we have appointed you *khaṭīfa* on earth, so judge among the people with truth' (*fa-'hkum bayna 'l-nās bi'l-haqq*), and in 21:78ff. we see David in action as a judge together with Solomon. There are numerous references to these verses in poetry. 'Judge (*fa-'hkum*) and be just', al-Āḥwāṣ told Sulaymān with reference to the fact that he had been appointed by God.⁸ 'He is the caliph, so accept what he judges for you in truth' (*mā qadā lākum bi'l-haqq*), Jarīr said,⁹ references to *al-qadā'* *bi'l-haqq* or 'adī being commonplace.¹⁰ Without the caliph people would have no judgements (*ahkām*) established for them, as Jarīr says in the famous line quoted twice already.¹¹ Elsewhere he adds that 'the land rejoices in a ḥakam who maintains the ordinances (*farā'iḍ*) for us'.¹² And the caliphs are explicitly compared with David and Solomon: just as God 'made Solomon to understand' in the Qur'ān, so he gave understanding to (*sahħama*) His caliph.¹³ The caliphs, or at least some of them, responded by dispensing justice in person, apparently with some solemnity: when 'Abd al-Malik acted as *qāḍī* he would have a page recite poetry on legal justice before turning to the disputants.¹⁴ That the caliphs acted as *qāḍīs* was first pointed out by Tyan,¹⁵ and Tyan's conclusion is confirmed by early Ḥadīth, in which they are frequently displayed in this role. Sometimes we see them give verdicts in concrete cases,¹⁶ and sometimes we are merely told that such and such

7 Tab., ser. ii, p. 1850.

8 *Aghānī*, vol. iv, p. 235 (= al-Āḥwāṣ, *Shī'r*, ed. 'A. S. Jamāl, Cairo 1970, p. 178).

9 Jarīr, p. 390^b.

10 Jarīr, pp. 390^a-^b, 505^a; Farazdaq, vol. ii, p. 638¹¹⁻¹³; Quṭāmī, p. 146¹⁴⁻¹⁶; cf. also 'Ajjāj, no. 33: 19 (p. 56).

11 Jarīr, p. 355^b.

12 Jarīr, p. 506^c.

13 Farazdaq, vol. ii, p. 768¹²⁻¹⁴, with reference to al-Walīd I; Jarīr, p. 254^a, with reference to Yazīd II; cf. Qur., 21:78f.

14 *Aghānī*, vol. xxii, p. 124.

15 E. Tyan, *Histoire de l'organisation judiciaire en pays d'Islam*, vol. i, Paris 1938, p. 134.

16 'Abdal-Razzāq b. Hammām al-Ṣan'ānī, *al-Muṣannaf*, ed. H.-R. al-A'zamī, Beirut 1970-2, vol. vi, no. 10710 ('Abd al-Malik and a divorce case); vol. viii, nos. 15460 (two people submitted a dispute of an unidentified nature to the same caliph), 15489 (a dispute submitted to Mu'āwiya); vol. ix, no. 16419 ('Abd al-Malik and wills); vol. x, nos. 18261, 18274f., 18298f. (Mu'āwiya, Marwān, 'Abd al-Malik, 'Umar II, Yazīd II and Hishām in cases of *qasāma*).

a caliph *qaḍā bi-dhālika*, adjudicated on the basis of such and such a rule.¹⁷ Either way the Umayyads cast in this role are usually Mu'āwiya, Marwān I, 'Abd al-Malik and 'Umar II, though Yazīd II and Hishām also appear.¹⁸ Marwān is however presented as governor of Medina rather than as caliph (as is 'Umar II on occasion too), and other caliphs fail to appear altogether.¹⁹ Even so, the traditionists clearly agreed with the poets that adjudication was part of the caliphal role. In Umayyad times it was part of the role of the governor too.²⁰

The fact that the caliphs and their agents acted as judges is not in itself of great significance from the point of view of their role in the definition of the law. Hindu kings, for example, also acted as judges for all that they had no role in the formulation of *dharma*, the religious law elaborated by the brahmans; kings might or might not give verdict in accordance with *dharma*: either way royal orders had to be obeyed, and neither way did royal orders count as sacred law.²¹ But caliphal verdicts *did* count as sacred law, as is clear from the very fact that they are to be found in *ḥadīth*. *ḥadīth* is a record of authoritative rulings, not of historical ones. Most of the rulings which *ḥadīth* ascribes to the Umayyads may very well be unhistorical in the sense that the Umayyads were not in fact its authors.²² What matters is that legal scholars wished to present them as such: at some point in history Umayyad adjudication was regarded as a source of authoritative decisions, with the result that Umayyad verdicts were collected and/or invented. If the Umayyads had not been regarded as a source of holy law, no verdicts attributed to them would have been found in *ḥadīth* at all.

According to *ḥadīth*, however, it was not only in connection with adjudication that the Umayyads formulated law. They are also said

17 'Abd al-Razzāq, *Muṣannaf*, vol. vi, nos. 10633 (Mu'āwiya, marriage), 10866f. (where 'Abd al-Malik regrets one of his rulings), 11908 ('Abd al-Malik, divorce); vol. vii, nos. 12301 (Mu'āwiya, divorce), 13409 ('Abd al-Malik, divorce); vol. viii, no. 15665 (Mu'āwiya, *kisāba*). Cf. also P. Crone, 'Jāhilī and Jewish Law: the *Qasāma*', *Jerusalem Studies in Arabic and Islam* 4 (1984), note 171.

18 In addition to the examples given in the preceding notes, see J. Schacht, *The Origins of Muhammadan Jurisprudence*, Oxford 1950, pp. 193ff.

19 Ibn Ḥazm implies that he has seen traditions involving all the Umayyad caliphs down to al-Walid II; but the passage is too polemical to be taken at face value (see the reference given below, note 36).

20 See for example Schacht, *Origins*, pp. 193, 197, 200, 201; *Aghānī*, vol. viii, p. 63; vol. xxii, pp. 32f.

21 R. Lingat, *The Classical Law of India*, Berkeley, Los Angeles and London 1973, pp. 224ff.

22 Cf. Crone, 'Jāhilī and Jewish Law', pp. 188f.

to have issued what in Roman terminology would be known as edicts or mandates to their governors and judges, laying down the legal rules which the latter were to apply. The best known example is the famous letter on fiscal and other legal matters addressed by 'Umar II to his governors which Gibb misclassified as a rescript,²³ but other examples survive. Thus Mu'āwiya sent instructions regarding stolen property to his governor in Medina;²⁴ 'Abd al-Malik wrote instructions, presumably to his governors, concerning slave-girls in whom defects are found after the sale;²⁵ 'Umar II is depicted as constantly despatching instructions on this or that aspect of the law to governors and judges in various places;²⁶ Yazīd II wrote to the judge of Medina (and presumably judges elsewhere too), laying down that the testimony of stupid people should not be accepted;²⁷ and Hishām sent instructions to an Egyptian *qādī* on points concerning dowries.²⁸

Conversely, governors and judges would write to the caliph for instruction on difficult legal points. Thus Muḥammad b. Yūsuf, governor of the Yemen, wrote to 'Abd al-Malik asking for the correct procedure to be followed in a case of illicit intercourse.²⁹ Al-Ḥajjāj wrote to him for a ruling on a question of inheritance.³⁰ When a difficult question relating to manumission by *kitāba* arose in Mecca, the governor of Medina (and Mecca) similarly wrote to 'Abd al-Malik

23 Ibn 'Abd al-Ḥakam, *Ṣitra*, pp. 93ff.; cf. H. A. R. Gibb, 'The Fiscal Rescript of 'Umar II', *Arabica* 2 (1955). In Roman law a rescript was the emperor's answer to a question addressed to him which took the form of either *epistula*, a separate letter, or *subscriptio*, a reply written at the foot of the petition itself (F. Schulz, *History of Roman Legal Science*, Oxford 1963, p. 152). 'Umar II's letter was not an answer to anything. In Roman terminology it was an edict or mandate (cf. *ibid.*, pp. 148ff., 154).

24 'Abd al-Razzāq, *Muṣannaf*, vol. x, no. 18829.

25 *Wakī'*, *Quḍāh*, vol. ii, p. 267.

26 He instructs them on the treatment of non-Arab converts (al-Balādhurī, *Futūḥ al-buldān*, p. 426; Ibn 'Abd al-Ḥakam, *Futūḥ Miṣr*, ed. C. C. Torrey, New Haven 1922, p. 155; Ibn Sa'd, *Tabaqāt*, vol. v, p. 384), a theme actually attested in the letter to which we may now refer as 'Umar's edict; on other fiscal questions (Ibn Sa'd, *Tabaqāt*, vol. v, pp. 376, 380), on punishments (*ibid.*, p. 385), on *qasāma* (see the references given in Crone, 'Jāhilī and Jewish Law', note 167; though the sources refer to *hiskiāb* in this context, the extant edict does not cover it), and on marriage law in relation to orphans (Kindī, *Governors*, p. 339, where the judge is named: 'Abd al-Razzāq, *Muṣannaf*, vol. vi, no. 10370, where he is anonymous; Ibn Abī Shayba, *al-Muṣannaf*, ed. 'A.-Kh. Khān al-Afghānī, Hyderabad 1386-, vol. iv, pp. 140, 160, where he has completely disappeared, a good example of the way in which context tends to get lost in ḥadīth).

27 *Wakī'*, *Quḍāh*, vol. i, pp. 159f.

28 Kindī, *Governors*, p. 348.

29 'Abd al-Razzāq, *Muṣannaf*, vol. vii, no. 13385.

30 *Wakī'*, *Quḍāh*, vol. i, p. 305.

for advice.³¹ A governor of Ayla wrote to 'Umar II for rules concerning runaway slaves who steal,³² and an Egyptian judge wrote to the same caliph for elucidation on points relating to clientage, pre-emption and blood-money payable for broken fingers.³³ A Syrian judge wrote to Hishām for advice on questions regarding inheritance and manumission.³⁴ Judges and sub-governors might also seek advice from the top-governor of the area, who might solve the problem or write to the caliph for advice in his turn.³⁵ Ibn Ḥazm even claims that 'whether the matter arose in Medina or elsewhere, neither governor nor judge would [ever] give judgement without referring it to the caliph in Syria, and neither would [ever] do more than carry out the latter's instructions'.³⁶ This is a polemical exaggeration, but clearly just an exaggeration, not an invention.

Even private persons would submit petitions concerning legal questions. According to early ḥadīth, 'a man went to 'Abd al-Malik to ask him about various things which he told me about. 'Abd al-Malik showed the petition (*kitāb*) to Qabīṣa [b. Dhu'ayb al-Khuzā'ī, his secretary]. It said, "[what does one do to] a slave who slanders a free man?". Qabīṣa said, "he is given eighty lashes."³⁷ Similarly, a certain Nāfi' b. 'Alqama is said to have written to 'Abd al-Malik asking him about the permissibility of revoking wills in which manumissions have been made,³⁸ and there are also examples involving 'Umar II.³⁹ (It is the caliphal replies to such petitions from governors and laymen which are rescripts in Roman terminology.)

According to Ibn Ḥazm, the Mālikīs were wrong to take pride in their much-vaunted 'Medinese practice': given that all disputes were referred to the caliph in the Umayyad period, it consisted of nothing

31 Mālik b. Anas, *al-Muwaṭṭa'*, Cairo n.d., vol. II, p. 146; compare 'Abd al-Razzāq, *Muṣannaf*, vol. VIII, no. 15659, where 'Abd al-Malik just 'writes' this rule in general.

32 'Abd al-Razzāq, *Muṣannaf*, vol. X, no. 18984.

33 Kindi, *Governors*, pp. 333f.

34 Wakī', *Qudāh*, vol. III, p. 205.

35 Cf. Wakī', *Qudāh*, vol. II, p. 21. For the total dependence of qādīs in the Umayyad period on the governors who appointed them, see *ibid.*, vol. I, p. 141.

36 Ibn Ḥazm, *al-Ḥikām fī ibrūl al-ahkām*, ed. A. M. Shākir, Cairo 1345-48, vol. IV, p. 218; first cited by R. Brunschwig, 'Polémiques médiévales autour du rite de Mālik', *al-Andalus* 15 (1950), p. 400.

37 'Abd al-Razzāq, *Muṣannaf*, vol. VII, no. 13787.

38 'Abd al-Razzāq, *Muṣannaf*, vol. IX, no. 16384. The person in question was perhaps a Meccan scholar (cf. Khalīfa b. Khayyāt, *Kitāb al-ṣabiqāt*, ed. A. D. al-'Umarī, Baghdad 1967, p. 280).

39 Ibn Abī Shayba, *Muṣannaf*, vol. IV, p. 75 (a man married a woman and consummated the marriage, whereupon he found a defect in her: so he wrote to 'Umar II for advice).

but the decisions of 'Abd al-Malik, al-Walīd I, Sulaymān, Yazīd II, Hishām and even al-Walīd II, plus a little from 'Umar II whose reign was brief, as everyone could ascertain for himself from the Ḥadīth collections.⁴⁰ Nine hundred years later Schacht unwittingly followed Ibn Ḥazm's advice and arrived at the same conclusion: Umayyad legal practice was the starting point of Islamic law as it exists today.⁴¹ Unlike Ibn Ḥazm, Schacht had his doubts about the authenticity of the decisions ascribed to the Umayyads, but this is of no importance here: what matters here is that early scholars automatically assumed law in the Umayyad period to have been caliphal law.

Caliphal law is not a notion familiar to the classical lawyers. In their opinion the first four caliphs were qualified to issue rulings on law because they were Companions, while 'Umar II was qualified to do so because he was an exceptionally pious caliph who cultivated Prophetic Ḥadīth, but no legal competence was vested in the caliphal office itself: in so far as caliphal rulings had any authority, they owed it to the same tradition from the Prophet which validated the rulings of the lawyers themselves. One is thus not surprised to find that there are traditions in which the Umayyad caliphs are described as drawing their opinions from the '*ulamā'*. Far from being consulted by governors and judges, we are told, it was the caliphs who would write off for legal advice from judges and other legal scholars. Marwān, for example, wrote to Zayd b. Thābit for his opinion on a certain problem and, having obtained it, duly put it into effect.⁴² 'Abd al-Malik wrote to the *qādī* of Ḥimṣ asking him what the punishment for a homosexual should be.⁴³ Al-Walīd I wrote to al-Ḥajjāj asking him to consult the local '*ulamā'*, and so forth.⁴⁴ Traditions in which caliphal rulings are validated with reference to precedents set by the '*ulamā'* or by the Prophet himself are fairly common.⁴⁵ Indeed, there are even some in which Marwān I and 'Abd al-Malik are cast as

40 Above, note 28.

41 Schacht, *Origins*, pp. 190ff.

42 'Abd al-Razzāq, *Muṣannaf*, vol. vi, no. 10866; Ibn Abī Shayba, *Muṣannaf*, vol. iv, p. 234.

43 *Waki'*, *Qudāh*, vol. iii, p. 210.

44 'Abd al-Razzāq, *Muṣannaf*, vol. vii, no. 12325. Note also the tradition in which a case is brought to Marwān, the governor of Medina, but in which it is Ibn 'Abbās who enunciates the rule for which the tradition is cited; in the second version Marwān has dropped out altogether (*ibid.*, vol. vi, nos. 10568f.).

45 'Abd al-Razzāq, *Muṣannaf*, vol. vi, no. 10633. cf. nos. 10628, 10632; no. 11908, cf. no. 11907; Ibn Hishām, *Sīra*, vol. i, p. 224.

faqīhs, legal scholars, and/or as traditionists in their own right.⁴⁶ But ultimately the fate of Umayyad rulings (other than those of 'Umar II) was to be rejected rather than retained on a Prophetic ticket. The Ḥijāzīs retained them longer than anyone else, and it is largely to them and their Egyptian pupils that we owe the traditions in which the Umayyads appear as formulators of law,⁴⁷ though there is also some Syrian, Basran and even Kufan material.⁴⁸ In classical law no caliphs other than the first four and 'Umar II play any role at all.

It is clear, however, that the classical point of view is the outcome of a reinterpretation. Originally all caliphs formulated law in their capacity as caliphs, as the Umayyads themselves explained, and it is also as caliphs that they are usually invoked in early ḥadīth. Caliphs of God or otherwise, the Umayyads are here seen as authorised to make religious law on a par with the *Rāshidūn*. Naturally, this point was beyond Ibn Ḥazm, who adduced his discovery that Medinese practice was based on caliphal decisions as a crushing argument against its validity: what are the decisions of mere caliphs against those of the scholars who are the true legatees of the Prophet? More surprisingly, it was also beyond Tyan and Schacht, both of whom concluded from their findings that law in Islam must once have been conceived as secular: how else could it have been made and dispensed by caliphs?⁴⁹ Presumably Tyan would have changed his mind if

46 Thus Marwān I and 'Abd al-Malik both appear as traditionists in Ibn Sa'd, *Ṭabaqāt*, vol. v, pp. 43, 224, 226, where we are told that Marwān would consult the Companions and act in accordance with their agreement, while 'Abd al-Malik would sit with the *ṣugahā* and *'ulamā'* of Medina and remember what they had said. Both similarly appear in Ibn Ḥajar, *Tahdhīb al-tahdhīb*, Hyderabad 1325-7, the former in vol. x, pp. 91f., the latter in vol. vi, pp. 422f.; according to Ibn Ḥajar and al-Fasawī, *Kitāb al-mārifat wa'l-sa'īd*, ed. A. D. al-'Umari, Baghdad 1974-6, vol. 1, p. 563, 'Abd al-Malik was reckoned among the four *ṣugahā* of Medina; and when somebody asked Ibn 'Umar who should be asked for legal opinions when the old men of Quraysh had died, he said that Marwān had a son who was a *faqīh*: 'ask him'. Both Mu'awiyah and Marwān transmit traditions from the Prophet in 'Abd al-Razzāq, *Muṣannaf*, vol. i, no. 411; vol. ix, no. 17087; vol. x, no. 18958.

47 It is because so much of this material is of Medinese origin that Ibn Ḥazm could use it to undermine the concept of Medinese practice. But 'Abd al-Razzāq owed over a quarter of his traditions on Umayyad rulings to the Meccan Ibn Jurayj, who had them not only from Medinese, but also from Meccan and occasionally other authorities (e.g. vol. vi, nos. 10568, 10633; vol. viii, no. 15489). The Egyptian material (preserved in al-Kindī and Ibn 'Abd al-Ḥakam) relates almost exclusively to 'Umar II.

48 Cf. 'Abd al-Razzāq, *Muṣannaf*, vol. i, no. 1707 (Kufan); vol. vi, no. 11908 (Syrian); vol. viii, no. 15664 (Basran).

49 Tyan, *Organisation judiciaire*, vol. i, pp. 164ff. (early *qadā'* had no religious

he had reconsidered this conclusion in the light of his later work, for he proceeded to write a book in which he stressed the religious character of caliphal authority more strongly than any scholar to date.⁵⁰ As for Schacht, he evidently had a strong sense that there was such a thing as caliphal law; yet in deference to the *'ulamā'* he almost invariably downgraded it to mere 'administrative practice', 'administrative regulations' and the like,⁵¹ thus casting the Umayyads as *Sa'ūdī* kings who can only make *nizāms*. But law in Islam was always regarded as God-given,⁵² and it is precisely in discussions of God-given law that the Umayyads are invoked in early *Ḥadīth*. What early *Ḥadīth* reflects, in other words, is a stage at which God-given law was formulated by God-given caliphs. This is clear in a number of ways.

First, there is no distinction in early *Ḥadīth* between caliphs who could formulate legal rules for the extrinsic reason that they were also Companions or exceptionally pious and later ones who had no right to interfere with the contents of the law at all. 'I have lived under 'Umar, 'Uthmān and the later caliphs', a Medinese successor says,

character and only acquired it under Persian influence, especially under the 'Abbāsids); Schacht, *Introduction*, p. 17: 'sunna in its Islamic context originally had a political rather than legal connotation; it referred to the policy and administration of the caliph'.

50 Viz. the *Califat* to which we are so greatly indebted. But he did not reconsider (cf. E. Tyan, *Histoire de l'organisation judiciaire en pays d'Islam*, Leiden 1960, pp. 117f.).

51 He actually speaks of Umayyad legislation in J. Schacht, 'Classicisme, traditionalisme et ankylose dans la loi religieuse de l'Islam' in R. Brunschwig and G. E. von Grunebaum (eds.), *Classicisme et déclin culturel dans l'histoire de l'Islam*, Paris 1957, p. 142. Elsewhere, too, we are told that 'the caliphs acted to a great extent as the lawgivers of the community' (Schacht, *Introduction*, p. 15). But we are immediately assured that the Umayyads of course lacked the religious authority of the Prophet and that their legal activities were mere 'administrative legislation' (*ibid.*).

52 If the legislation of the *Qur'ān* is not law, what is? Schacht describes it as an 'essentially ethical and only incidentally legal body of maxims' (*Origins*, pp. 224f.), and Wansbrough agrees (J. Wansbrough, *Quranic Studies*, Oxford 1977, p. 174). But quite apart from the fact that it does not consist of maxims at all, classical Islamic law could similarly be described as essentially ethical and only incidentally legal: it all depends on what one understands by 'law'. Clearly, law as defined by the Muslims was always regarded as God-given. One can of course question the attribution of the *Qur'ān* to Muhammad; but the fact that Muhammad made law was known already to Sebeos (Sebeos (attrib.), *Histoire d'Héraclius*, tr. F. Macler, Paris 1904, p. 95: he brought the Ishmaelites together under one law and prohibited carrion, wine and fornication). Equally, every tradition attributed to him could be dismissed as spurious; but the Constitution of Medina still vouchsafes the fact that he acted as adjudicator with divine authority (Ibn Hishām, *Sīra*, vol. I, p. 504).

'and they only beat a slave forty times for *qadhf*'.⁵³ This Medinese is using the same idiom as Yazīd b. al-Muhallab, who spoke of 'Umar, 'Uthmān and later caliphs of God',⁵⁴ and what he is saying is that since no *caliph* had ever beaten a slave more than forty times for this particular crime, doing so would be contrary to Islamic law. The first caliphs have already acquired special sanctity in both his and Yazīd b. al-Muhallab's statements, but they are not contrasted with the Umayyads. What the Umayyads do is here seen as a continuation of patriarchal practice rather than as a deviation therefrom, precisely as it is in the work of a scholar as late as al-Awzā'i (d. 774).⁵⁵ In Marwānid poetry, too, the first caliphs have acquired special sanctity without thereby undermining the validity of the acts of the Umayyads: Sulaymān acted in accordance with the *sunna* of the Fārūq, sc. 'Umar I, and modelled himself on 'Uthmān;⁵⁶ 'Umar II's *sīra* resembled that of his namesake;⁵⁷ Hishām 'brought the *sunna* of the two 'Umars';⁵⁸ and the Umayyads in general followed the *sunna* of the *rasūl*.⁵⁹ In poetry all the caliphs are *a'immat al-hudā*, *mahdiyyūn* and *rāshidūn*, and this is also the impression conveyed by early *Hadīth*. Unlike the court poets, the scholars soon ceased to accept this as true of contemporary caliphs: accepting the rulings of 'Abd al-Malik did not necessarily imply acceptance of Hishām as a source of law; it certainly did not imply acceptance of al-Mansūr as one.⁶⁰ And in due course the scholars ceased to invoke caliphs altogether, except for the first four⁶¹ and 'Umar II. But there is no simple way of explaining how the Umayyad caliphs came ever to be invoked unless we accept that legal authority once resided in the caliphal office itself.

Secondly, it is as specialists in caliphal law, not as bearers of a Prophetic tradition of their own, that the scholars appear in a number of these traditions. Thus when Mu'āwiya writes to Zayd b. Thābit for advice, Zayd replies by adducing the decisions of 'the two caliphs before you', i.e. 'Umar and 'Uthmān.⁶² 'Is there a binding precedent

53 'Abdal-Razzāq, *Muṣannaf*, vol. vii, no. 13793 (*ad rāki'u'Umar wa-'Uthmān wa-man bā' dāhum (sic) min al-khulāsā* ...).

54 Above, chapter 2, note 13.

55 Schacht, *Origins*, pp. 70ff.

56 Farazdaq, vol. ii, p. 657².

57 Jarīr, p. 511¹.

58 Farazdaq, vol. ii, p. 839, ult.

59 Farazdaq, vol. i, p. 330².

60 Cf. below, chapter 5, p. 91.

61 Or more precisely the first three after Abū Bakr, cf. below, appendix 1, p. 112.

62 'Abd al-Razzāq, *Muṣannaf*, vol. x, no. 19062; but note how the version cited by Mālik, *Muwaṭṭa'*, vol. i, p. 333, downgrades caliphal authority: Zayd wrote back saying 'God knows best! This is a problem on which only *umārā'*, that is *khulāsā*, have given verdicts; I have lived under the two caliphs before you, and they gave him [sc. the grandfather] half in the presence of a brother, a third in the presence

(*sunnamādiya*) on this?', 'Umar II asks of Sa'īd b. al-Musayyab, who replies that 'Uthmān had once adjudicated in a dispute of this kind.⁶³ Similarly, when 'Abd al-Malik is confronted with a problem relating to *kitāba*, Ma'bād al-Juhānī informs him that 'Umar and Mu'āwiya had adopted different rules on this point, Mu'āwiya's being the better.⁶⁴ In all three traditions *sunna* is assumed to be caliphal, not Prophetic precedent, and it is as memorisers of such precedents that the scholars are taken into account. But the transition to the classical pattern is well illustrated in the tradition in which a scholar refuses to implement caliphal law on the ground that the Prophet had ruled something else.⁶⁵

Thirdly, it is clear that the caliphs were free to make and unmake *sunna* as they wished. 'We do not know of anyone who adjudicated on the basis of this rule before 'Abd al-Malik', a transmitter remarks without in any way wishing to depreciate the validity of the rule in question;⁶⁶ in other words, it was valid because a caliph had made it, not because it went back to the Prophet or a companion. 'Abd al-Malik's rule continued to be applied by his successors, we are told, but when 'Umar II became caliph 'we feared that he would revoke it'.⁶⁷ As it happens, he did not, but he clearly had the right. Even of a caliph as late as al-Mahdī we are told by way of compliment (in a non-legal work) that 'he made *sunna* not made by any caliph before him'.⁶⁸ Once again the formulation of law appears as a prerogative of the head of state, in accordance with the claims of the Umayyads themselves.

of two...'. And note how caliphal authority is further eroded at p. 334, where Zayd appears as an authority in his own right rather than a mere transmitter of caliphal views: 'Mālik said that he had heard from Sulaymān b. Yasār that 'Umar b. al-Khaṭṭāb, 'Uthmān b. 'Affān and Zayd b. Thābit assigned a third to the grandfather in the presence of brothers.'

63 'Abd al-Razzāq, *Muṣannaf*, vol. x, no. 18245 (for the translation of *sunna mādiya*, see M. M. Bravmann, *The Spiritual Background of Early Islam*, Leiden 1972, pp. 139ff., esp. p. 147). In the long and clearly late tradition cited *ibid.*, vol. vii, no. 12325, where al-Walīd I instructs al-Hajjāj to ask around about a certain problem, it is similarly a ruling by 'Uthmān that the scholar consulted comes up with.

64 'Abd al-Razzāq, *Muṣannaf*, vol. viii, no. 15664.

65 'Abd al-Razzāq, *Muṣannaf*, vol. x, no. 18829: Mu'āwiya sent instructions regarding stolen goods to his governor of Medina (Marwān), who passed them on to the subgovernor of the Yamāma (Usayd b. Zuhayr al-Anṣārī), who refused to apply them, invoking the prophet, Abū Bakr, 'Umar and 'Uthmān. Compare Schacht, *Origins*, pp. 55, 155, 208.

66 'Abd al-Razzāq, *Muṣannaf*, vol. ix, no. 16419.

67 *Ibid.*

68 Mu'arrij al-Sadūsī, *Kitāb ḥadīth minn asab Quraysh*, ed. S. al-Munajjid, Cairo 1960, p. 12.

Finally, it should be noted that the anti-caliph Ibn al-Zubayr also appears as a legal authority in early Ḥadīth, though on a far smaller scale than the Umayyads;⁶⁹ his *aqdiya* are referred to elsewhere too.⁷⁰ Whoever was accepted as caliph was thus taken by his followers to be a source of law regardless of whether he was an Umayyad or other Qurashī, a companion or a kinsman of the Prophet.

We should like to stress that the Umayyads concerned themselves with all aspects of the Sharī'a, not merely with the law of war, fiscality and other public matters as Schacht believed to be the case.⁷¹ There is no sense in early Ḥadīth that the Umayyads should be invoked as authorities on public rather than private law; on the contrary, they regularly lay down rules regarding marriage, succession, manumission and the like. It is only when it comes to ritual law that they practically vanish from the material (with the exception of 'Umar II). But it seems unlikely that 'the imam of those who pray' should have left ritual law alone. There are in fact some traditions in which Mu'āwiya is invoked as an authority on prayer⁷² and fasting,⁷³ and there are several on 'Abd al-Malik's manner of performing the pilgrimage and prayer;⁷⁴ conversely, there are also traditions in which caliphs are instructed or corrected in matters of ritual by 'ulamā'.⁷⁵ Besides, the non-legal literature condemns the Umayyads for having changed the prayer (not to mention the *qibla*), or in other words for having laid down a form of prayer which their subjects disliked.⁷⁶ The almost

69 See for example 'Abd al-Razzāq, *Muṣannaf*, vol. ix, nos. 16245-6.

70 When 'Abd al-Malik's governor of Medina asked whether Ibn al-Zubayr's verdicts should be annulled, 'Abd al-Malik replied that they should not on the ground that he did not resent Ibn al-Zubayr's *aqdiya*, but rather his bid for power and that the annulment of *aqdiya* is hard to bear (*Wakī'*, *Quḍāh*, vol. i, p. 130; cf. also vol. ii, p. 404, where Ibn al-Zubayr writes to 'Abdallāh b. 'Uthmān, telling him how to adjudicate, and p. 321, where he objects to a verdict by Shurayh who nonetheless refuses to change it).

71 Schacht, *Origins*, p. 198 ('Abd al-Razzāq's *Muṣannaf* was not available when he wrote).

72 'Abd al-Razzāq, *Muṣannaf*, vol. ii, no. 3687.

73 'Abd al-Razzāq, *Muṣannaf*, vol. iv, no. 7850; contrast no. 7834, where he owes his dictum to the Prophet.

74 Ibn Sa'd, *Tabaqāt*, vol. v, pp. 229f., 232f. Note also the Kufan tradition in which Marwān is invoked as an authority concerning the sanctity of mosques ('Abd al-Razzāq, *Muṣannaf*, vol. i, no. 1707); he also appears as an authority on ritual law *ibid.*, vol. iv, no. 8358, but as the editorial note explains, al-Bayhaqī's version presents Ibn 'Abbās as the authority rather than, as here, simply the transmitter of Marwān's view.

75 'Abd al-Razzāq, *Muṣannaf*, vol. ii, nos. 2618, 2691. Note also the tradition, *ibid.*, vol. iv, no. 8664, in which Marwān's role is limited to that of asking a scholar's opinion on a question of dietary law.

76 al-Jāḥiẓ, 'Risāla fī 'l-nābita' in his *Rasā'il*, vol. ii, p. 16.

total absence of Umayyad caliphs from early Ḥadīth on ritual law is thus likely to mean that it was in this field that their legal competence was first rejected.

What then were the sources of caliphal law?⁷⁷ According to poetry, they were *kitāb*, *sunna* and *ra'y*. The book was the Qur'ān, be it in its present form or otherwise;⁷⁸ but *sunna* was not the *sunna* of the Prophet, let alone something documented in Ḥadīth, and *ra'y* was not the acumen of ordinary legal scholars.

As for *sunna*, it was good practice in general and that of prophets and caliphs in particular. Among the prophets David and Solomon have pride of place. 'David is justice, so judge by his *sunna*' (*fa-ḥikun bi-sunnatihī*), Nābighat B. Shaybān told 'Abd al-Malik;⁷⁹ 'you two have become among us like David and Solomon, following a *sunna* (*'alā sunnatīn*) by which everyone who follows it is guided', al-Farazdaq told Ayyūb and his father, the caliph Sulaymān.⁸⁰ But the Umayyads followed the *sunna* of the Prophet too, according to the same poet.⁸¹ Among the caliphs, 'Umar and 'Uthmān are prominent, as seen already,⁸² but so are later rulers. 'The family of Marwān acted sincerely towards God; they are the best, so act in accordance with their *sunna*', Nābighat B. Shayban told 'Abd al-Malik;⁸³ A'shā of B. Rabī'a told him much the same.⁸⁴ 'Abd al-Malik was a caliph whose *sunna* should be imitated, according to Ibn Qays al-Ruqayyāt⁸⁵ and the Umayyads in general had left behind 'ordinances (*sarā'iḍ*) and a *sunna* worthy of recollection' according to al-Farazdaq,⁸⁶ who

77 We are concerned with the formal rather than the substantive sources here. The question of the extent to which they borrowed from their non-Muslim subjects is discussed by P. Crone, *Roman, Provincial and Islamic Law*, forthcoming.

78 The Commander of the Faithful is defined as someone who 'applies the *ḥadd* and follows the book' in a poem addressed to al-Hajjāj (*Jatīr*, p. 17, penult.), and al-Hajjāj himself is said to be *qādīn bi'l-kitāb* (*Aghānī*, vol. xxii, p. 332). *Jatīr* identifies the book as the Qur'ān in the line 'were it not for the caliph and the Qur'ān he recites . . .' (*Jatīr*, p. 355¹), and he also refers to the fact that God has revealed a *ṣarī'a* to the traveller and the poor in it (p. 415²). For other references to the book in his *dīwān*, see pp. 256³, 474⁴. For views on the shape of the Qur'ān about this time, see Wansbrough, *Quranic Studies*; Crone and Cook, *Hagarism*, pp. 17f.

79 Nābighat B. Shaybān, p. 108¹. As noted in the introduction, p. 2, the version given in *Aghānī*, vol. vii, p. 108², has *sīratihī* for *sunnatihī*.

80 Farazdaq, vol. 1, p. 308³.

81 Farazdaq, vol. 1, p. 330³.

82 Cf. above, p. 51.

83 Nābighat B. Shaybān, p. 108⁴.

84 al-Balādhurī, *Ansāb al-ashrāf*, vol. x1 (*Anonyme arabische Chronik*), ed. W. Ahlwardt, Greifswald 1883, pp. 240f.

85 *Khalīfa yuqīqadā bi-sunnatihī* (Ibn Qays al-Ruqayyāt, no. 2: 17).

86 Farazdaq, vol. 1, p. 330³.

also hoped that Sulaymān would 'restore to us the *sunan* of the caliphs'.⁸⁷

It is clear from these passages that *sunna* was not envisaged as a set of concrete rules, but rather as a general example, an *uswa ḥasana* such as that set by the Prophet according to the Qur'ān.⁸⁸ When the Umayyads are said to follow the *sunna* of David, the Prophet, the Fārūq or later caliphs, the message is that they acted in the spirit of these people, not that they knew of actual rulings from them, let alone rulings transmitted from them in Ḥadīth.⁸⁹ This is not to deny that in practice the Umayyads paid close attention to the verdicts of their predecessors. Precedent tends to play a major role in the dispensation of law regardless of whether it is formally binding or not, even under modern conditions; and like most members of pre-industrial societies the Muslims took a conservative view of law. Thus a poet complimented 'Abd al-Malik on not having reversed any of his predecessors' verdicts, having chosen rather to imitate their action;⁹⁰ and in the line by al-Farazdaq just quoted, legal reform is characteristically envisaged as legal restoration. But the concept of *sunna* was not in itself an obstacle to legal innovation. Thus we are told that 'Umar II's *sīra* resembled that of 'Umar I, 'who instituted ordinances and whom the nations took as their example', the implication being that 'Umar II also instituted laws.⁹¹ As has been seen, caliphal *sunna* appears as something capable of change in early Ḥadīth too.

87 Farazdaq, vol. I, p. 329⁷.

88 Qur. 33:21 (*laqad kāna lākumۚ fī rasūlۚ 'llāhۚ 'uswātُّn ḥasana*); cf. Z. I. Ansari, 'Islamic Juristic Terminology before Ṣāfi'ī: a Semantic Analysis with Special Reference to *Kūfa*', *Arabica* 19 (1972), p. 262.

89 This is obvious when they are said to have followed the *sunna* of remote figures such as David and Solomon, but *sunna* is also translatable as general example even when concrete precedent is referred to. Thus A'shā of B. Rabī'a encouraged 'Abd al-Malik to designate his son al-Walīd as successor at the expense of his brother 'Abd al-'Azīz, saying that a son has the best claim to the *mulk* of his father and that 'Abd al-Malik had himself inherited his power from 'Uthmān, Ibn Ḥarb and Marwān: *fa-išh ḥamīdُّn wa-mil bi-sunnatihim* (above, note 84): yet, though succession had been dynastic since 'Uthmān, it had not always been from father to son. Similarly Marwān thought that Mu'āwiya's designation of Yazīd as his heir was in accordance with the *sunna hādiya mahdiyya* of Abū Bakr (who had designated 'Umar as his successor), though the Medinese did not share that view on the ground that Abū Bakr had not designated a member of his own family (*Iqd*, vol. IV, p. 371). 90 Aghānī, vol. IV, p. 422¹.

91 *Ashbahia min 'Umar al-Fārūq sīratuhu sunna 'l-farāiq wa-'ammatu bihi 'l-umam* (Jarīr, p. 511¹). Note also the fluidity of the concept of *sunna* in the claims made by al-Farazdaq on behalf of Sulaymān: he acted in accordance with the *sunna* of the Fārūq, but he also modelled himself on 'Uthmān, and he was expected to restore the *sunan* of the caliphs of Fīr, the Umayyads in general having left behind them a *sunna* worthy of recollection.

As regards the *ra'y* of which the caliphs were possessed, it was a superhuman insight (*ra'y yaṣūqu ra'y al-rijāl*), as we are told with reference to Yazid II,⁹² who is also described as an *imām^u hudaⁿ qad saddada 'llāh^u ra'yahu*.⁹³ Elsewhere it is a super-human understanding: as mentioned already, the caliphs were *musahhamūn*, made to understand by God on a par with Solomon, 'the rightly-guided king' (*al-malik al-mahdī*).⁹⁴ It is with reference to this notion that a ruling of Mu'awiya's is deemed better than 'Umar's in an early tradition.⁹⁵ Indeed, al-Hajjāj held 'Abd al-Malik to be divinely protected against idle talk and behaviour slips (*ma'sūm min khaṭal al-qawl wa-zalal al-fīl*);⁹⁶ and all the caliphs were rightly guided (*mahdiyyūn*), as has been seen. In short, the ultimate source of caliphal law was divine inspiration: being the deputy of God on earth, the caliph was deemed to dispense the guidance of God Himself.

The convergence of the evidence of court poetry and early Ḥadīth is of crucial importance in that it puts paid to the idea that the Umayyad conception of the caliphal office was peculiar to the Umayyads themselves. Naturally the caliphs had a special interest in promoting it, and the poets who broadcast their views were certainly sycophantic. But the sycophantic element of court poetry lies in its denial of a discrepancy between ideal and reality, not in the presentation of the ideal itself. In practice the behaviour of the Umayyads may at times have been comparable with that of the Borgia popes; but if a poet flattered the Borgia popes on their power to bind and loose in heaven and on earth, he would still be making a correct statement about the attributes of the papal office, whereas a historian who tried to reconstruct the nature of this office with reference to the behaviour of its incumbents would go badly astray. Similarly in the case of the Umayyads. What the poets described was

92 *Nābighat B. Shaybān*, p. 68¹².

93 *Kuthayyir*, p. 342¹⁰. The line is also said to have been addressed to 'Abd al-Malik.

94 Above, note 13. It is al-Farazdaq who describes Solomon as a rightly guided king.

95 'Abd al-Razzāq, *Muṣannaf*, vol. viii, no. 15664. When asked why he prefers Mu'awiya's rule to 'Umar's, Ma'bad replies *lī'anna Da'ud kāna khayrⁿ min Sulaymān fa-timā sahimahā* (var. *fa-sahimahā*) *Sulaymān*. This is clearly corrupt. The allusion is to Qur'ān, 21:78–9, 'and David and Solomon, when they gave judgement concerning the tillage . . . we made Solomon to understand it (*fa-sahhamnāhā Sulaymān*) and unto each we gave judgement and knowledge'. The gist of Ma'bad's reply must thus have been that although David was better than Solomon, it was Solomon that God made to understand. (For variants on this tradition, see J. van Ess, 'Ma'bad al-Guhānī', in *Islamwissenschaftliche Abhandlungen* Fritz Meier, ed. R. Gramlich. Wiesbaden 1974, pp. 55f.)

96 *Iqd*, vol. v, p. 25¹³; reproduced in *Ṣafwat, Rasdīl*, vol. ii, p. 259.

the generally accepted concept of the caliphal office, not one invented by the Umayyads in the face of staunch opposition thereto on the part of their subjects, as one tends automatically to assume under the influence of classical notions; on the contrary, even the 'ulamā', the future rivals of the caliphs, took this concept as their starting point.

Whether the Umayyads *themselves* were generally accepted is an altogether different question. Obviously, a great many of their subjects found them hard to bear, and as an antidote to the flattery of the poets we offer a translation of part of the famous speech by Abū ȴlamza al-Khārijī in which the so-called deputies of God come across as anything but rightly guided.⁹⁷ The Khārijites were however unique in that they rejected not only the Umayyads themselves, but also the caliphal office which they represented. *Lā ḥukm^a illā li'llāh*, as their slogan said: God might have given judgement to David and Solomon, but he had not given any to his *khalīfa*.⁹⁸ For those who were to become the Sunnī majority, however, the illegitimacy of the Umayyads did not necessarily invalidate the caliphal ideal. Clearly it contributed thereto, and the erosion of the caliphal ideal at the hands of the scholars must have *begun* in the Umayyad period (one suspects that al-Walīd II's letter had an outmoded ring to it already at the time of its publication); but it was only under the 'Abbāsids that the process was completed, leaving the Imāmīs as the sole adherents of the original conception. It is to this process of erosion that we shall devote ourselves in the following chapters.

97 Cf. below, appendix 3.

98 Cf. Qur., 21:79; Crone and Cook, *Hagarism*, p. 27.

5

From caliphal to Prophetic *sunna*

Originally, *sunna* was that established way of doing things which the Romans called *mos majorum*, ancestral custom. Classically, it is Muḥammad's way of doing things as attested in traditions going back to him, supplemented by traditions going back to his Companions (including such early caliphs as the sect in question recognises), who are assumed to have perpetuated Muḥammad's practice. In its classical form, the concept of *sunna* undermines caliphal authority in three ways. First, the exponents of Prophetic *sunna* are scholars, not caliphs: the caliph has no say in its transmission or interpretation except in so far as he is a scholar himself. Secondly, Prophetic *sunna* takes the form of a host of concrete rules: having lost his capacity to make his own *sunna*, the caliph cannot simply treat that of the Prophet as a general example in the spirit of which he should act. And thirdly, the *sunna* of the Prophet is resistant to reinterpretation: the outlook of the scholars is averse to allegory; and since they owe their authority to knowledge of the Prophet's rules, they are not qualified to reinterpret or explain away these rules, be it on behalf of the caliph or others. To this may be added that the rules themselves are not particularly conducive to caliphal designs, having been made by scholars in, on the whole, competition with caliphs; but whatever their contents, their formulation deprives the caliph of any say, *qua* caliph, in the definition of Islamic norms.

According to the scholars, the classical concept of *sunna* was born in the lifetime of the Prophet himself: sincere Muslims wished to model their conduct on that of the Prophet from the start. If this claim is accepted, the Umayyad concept of the caliphate must have been an un-Islamic deviation which was never accepted by the community at large, and this is indeed how it is often presented; but it should be clear by now that this cannot be correct. Certainly, there is every reason to believe that Muḥammad's followers regarded their

leader as a source of right practice and spoke of his *sunna* as something worthy of imitation; but this is by no means to say that the classical concept of *sunna* was born in those days. In pre-Islamic Arabia every person endowed with a modicum of authority was a potential source of normative practice within his own family, tribe or wider circle of contacts; why should Muḥammad have been an exception?¹ But in classical theory Muḥammad is the *only* source of such practice. On the one hand, his precedent overrides all rival ways of doing things, binds every member of the community and covers every aspect of life;² on the other hand, it is properly documented, so that everyone can study and refer to it, as opposed to loosely equating it with whatever is perceived to be right at any given time: extra-prophetic authority is thus effectively ruled out. It is this feature which gives the classical concept its unique strength, and it is in this sense that it must be the product of an evolution, as most Islamicists would now agree.³ What we wish to do here is to examine the major phases of this evolution from the point of view of its effect on the authority vested in the caliphate.

The Umayyads

In the Umayyad period the expression 'sunna of the Prophet' is most frequently encountered in the collocation *kitāb Allāh wa-sunnat nabiyyihi*, a collocation which in its turn is most frequently encountered in the context of revolt. The sources present every major revolt

1 Cf. Bravmann, *Spiritual Background*, pp. 139ff., where it is persuasively argued that *sunna* were invariably regarded as going back to specific persons in pre-Islamic times though the persons in question were not always remembered. For one who instituted a *sunna* within his family, see p. 152, where an Umayyad nobleman says that his father *sunna* twenty thousand dinars for his womenfolk, or in other words established this as the dower to which they were entitled by his *sunna*; for another who hoped to establish a good example generally, see p. 160, where the pre-Islamic poet al-Mutalammis would like to leave behind 'a *sunna* which will be imitated'.

2 By way of contrast, note the famous story in which the members of the *shūrā* ask 'Aṭī and 'Uthmān whether they will undertake to follow the Qur'ān, the *sunna* of the Prophet and the *ṣīra* of the first two caliphs. Whatever the truth of this, it is clearly in their capacity as potential rulers that 'Aṭī and 'Uthmān are being asked this question: the electors wish to make sure that things will continue more or less as before. There is no sense here that the *sunna* of the Prophet (or for that matter that of the *shaykhayn*) is something which every believer undertakes to observe in every aspect of his life (cf. Bravmann, *Spiritual Background*, pp. 123ff., where the episode is discussed and full references given).

3 Cf. the recent discussion by G. H. A. Juynboll, *Muslim Tradition*, Cambridge 1983.

from the time of 'Uthmān until the fall of the Umayyads as having invoked a call to, or an oath of allegiance on, 'the book of God and the *sunna* of His Prophet'. On the Shī'ite side the examples include 'Alī at Ṣiffīn in 37/657f,⁴ al-Ḥusayn in his attempt to gain the support of Basran *ashrāf* in 60/680,⁵ the *rawwābūn* in Iraq and the Jazīra in 64/684,⁶ al-Mukhtār in Iraq in the mid-60s/680s,⁷ Zayd b. 'Alī at Kufa in 121/738,⁸ and the missionaries of the 'Abbāsids in Khurāsān.⁹ On the Khārijite side they include al-Mustawrid b. 'Ullafa in Iraq in 43/663f,¹⁰ Suwayd b. Sulaym in the Jazīra in 77/696f,¹¹ and 'Abdallāh b. Yaḥyā and Abū Ḥamza in the Yemen and the Ḥijāz in 129–30/746–7f.¹² Among rebels of other colours we find the provincial opponents of 'Uthmān,¹³ the followers of

4 Tab., ser. i, p. 3279.

5 Tab., ser. ii, p. 240: *wa-anād'ūkum ilākitāb Allāh wa-sunnat nabiyyihī shī'm fa-inna 'l-sunna qad umīrat wa-inna 'l-bid'a qad uhyiyat*.

6 Tab., ser. ii, p. 508: *innā nad'ūkum ilā kitāb Allāh wa-sunnat nabiyyihī wa'l-qalab bi-dimāt ahl baytihi wa ilā jihād al-muhīlīn wa'l-māriqīn*.

7 Tab., ser. ii, pp. 569f.: *ad'ūkum ilā kitāb Allāh wa-sunnat nabiyyihī shī'wa-ilā 'l-qalab bi-dimāt ahl al-bayt wa'l-daf' 'an al-durāf' wa-jihād al-muhīlīn*. Similarly pp. 606, 609, 633, 722; and Bal., *Ans.*, vol. v, pp. 213, 228.

8 Tab., ser. ii, p. 1687: *innā nad'ūkum ilā kitāb Allāh wa-sunnat nabiyyihī shī'm wa-jihād al-zālimīn wa'l-daf' 'on al-niṣāṣat qasīm wa-lā' al-māhrūmī wa-qasīm hādhā 'l-fay' bayna ahlīhi bī'l-sawā' wa-radd al-mazālīm wa-iqṣāl al-mujammās wa-naṣrīnā – ahl al-bayt – 'alā man naṣaba lanā wa-jahila ḥogganā*. Cf. p. 1700, where he calls to the book of God and the *sunna* of his Prophet and the revival of *sunan* and the extinction of innovations.

9 Tab., ser. ii, p. 1989: *ubāyūkum 'alā kitāb Allāh 'azza wa-jalla wa-sunnat nabiyyihī shī'm wa'l-qā'a li'l-riḍā min ahl bayt rasūl Allāh shī'm*. . . Cf. pp. 1993 (where the *sunna* of the Prophet has been omitted), 2003: *Akhbār al-dawla al-'abbāsiyya wa-fīhi akhbār al-'Abbās wa-waladīhi*, ed. 'A.-'A. al-Dūnī and 'A.-J. al-Muṣṭalībī, Beirut 1971, pp. 284, 287, 317, 323, 329, 335, 340, 365.

10 Tab., ser. ii, p. 40: *innā nad'ūkum ilā kitāb Allāh 'azza wa-jalla wa-sunnat nabiyyihī shī'm wa-walāyat Abī Bakr wa-'Umar riḍwān Allāh 'alayhimā wa'l-barā'a min 'Uthmān wa-'Alī li-ihdātihimā fi'l-dīn wa-tarkihimā ḥukm al-kitāb*.

11 Tab., ser. ii, p. 984: *fa-inna 'lladhi nad'ū ilayhi kitāb Allāh wa-sunnat Muḥammad shī' wa-inna 'lladhi naqamnā 'alā qawminā al-isti'rāhār bi'l-fay' wa-ta'līl al-hudūd wa'l-tasalluṣ bī'l-jabariyya*.

12 For 'Abdallāh b. Yaḥyā at Ṣan'ā', see Bal., *Ans.* (MS), vol. ii, fol. 187b: *nađū ilā 'llāh wa-ilā kitābihi wa-sunnat nabiyyihī shī'm wa-nuji'bū man da'ā ilayhā al-īslām dīnūnā wa-Muḥammad nabiyyūnā wa'l-Kāba qiblatūnā wa'l-Qur'ān imāmūnā*. . . similarly *Aghānī*, vol. xxiii, p. 226, which rightly has *ilayhimā* for *ilayhā*. Abū Ḥamza's call was *nađūkum ilā kitāb Allāh wa-sunnat nabiyyihī wa'l-qasīm bī'l-sawā' wa'l-adl fi'l-ra'iyya wa-waq' al-akhmās fi mawādī ihā 'llatī amara 'llāh bihā* (*Iqd*, vol. iv, p. 145+); compare also Tab., ser. ii, p. 2008; *Aghānī*, vol. xxvi, p. 237). One of Abū Ḥamza's commanders similarly called a Syrian general to *al-kitāb wa'l-sunnat* (*Aghānī*, vol. xxiii, p. 245), or to *al-sunna wa'l-amal bi-kitāb [Allāh]* (Bal., *Ans.* (MS), vol. ii, fol. 190b).

13 Cf. M. Hinds, 'The Murder of the Caliph 'Uthmān', *International Journal of Middle East Studies* 3 (1972), p. 458.

Ibn al-Zubayr in 64/683,¹⁴ Muṭarrif b. al-Mughīra in Iraq and the Jibāl in 77/696f.,¹⁵ Ibn al-Ash'ath in Sīstān and Iraq in the early eighties/about 700,¹⁶ Yazīd b. al-Muhallab in Iraq in 101–2/719–20f.,¹⁷ al-Ḥārith b. Surayj at Balkh in 116/734f. and later,¹⁸ as well as his followers at Āmul in 117/735f.¹⁹ and other separatists in Khurāsān in 128/745f.²⁰ We do not wish to defend the authenticity of every single attestation, the very early ones being particularly suspect, but that it was customary for rebels of the Umayyad period to make a call to the book of God and the *sunna* of the Prophet would be hard to deny; clearly, it was customary for them to do so whatever their sectarian stance.

What did such a call signify? Given that it was used by rebels of the most diverse persuasions, it can hardly have signified very much in concrete terms. This is confirmed by the so-called letter of Ibn Ibād to the caliph 'Abd al-Malik, which is more probably a letter by Jābir b. Zayd to another 'Abd al-Malik, perhaps a Muhallabid,²¹ and

14 Bal., *Ans.*, vol. iv/b, p. 58; vol. v, p. 188: *bāya'ūhu 'alā kitāb Allāh wa-sunnat nabiyyihi wa-sīrat al-khulāṣat al-ṣāliḥīn*. Earlier, we are told, Ibn al-Zubayr had called to *al-riḍā wa'l-shūrā* (vol. v, p. 188).

15 Tab., ser. ii, p. 993: *innā nad'ūkum ilā kitāb Allāh wa-sunnat nabiyyihi wa-ilā jihād mārī 'anīda 'an al-ḥaqqa wa'sta'thara bī'l-fay wa-taraka hukm al-kitāb*. Cf. also p. 984.

16 Tab., ser. ii, p. 1058: *tubāyi'ūna 'alā kitāb Allāh wa-sunnat nabiyyihi wa-khal' a'immar al-ḍalāla wa-jihād al-muhīlīn*. Cf. also p. 1092.

17 Tab., ser. ii, p. 1398: *tubāyi'ūna 'alā kitāb Allāh wa-sunnat nabiyyihi ḥī' wa-'alā an lā taṭa' al-jurūd bilādāna wa-lā baydatāna wa-lā yūd 'alaynā sīrat al-ṣāsiq al-Ḥajjāj*. Cf. also pp. 1391, 1392; and *Aghānī*, vol. x, p. 43.

18 Tab., ser. ii, p. 1567: *sa-dādātum al-Ḥārith ilā'l-kitāb wa'l-sunna wa'l-bay'a li'l-riḍā*. Cf. also pp. 1570, 1571, 1577, 1889f.

19 Tab., ser. ii, p. 1583.

20 Tab., ser. ii, p. 1931.

21 Cf. M. Cook, *Early Muslim Dogma*, Cambridge 1981, pp. 57ff. Cook's proposition that the letter was addressed to 'Abd al-Malik b. al-Muhallab receives some support from the fact that the letter, in enumerating the misdeeds of 'Uthmān, mentions that he prevented the people of al-Baṣrā and 'Umān from selling their *mīra* until that of the *imāra* had been sold (*Hinds Xerax* (on which, see Cook, *Dogma*, p. 4), p. 388; al-Izkawī, *Kashf al-ghumma al-jāmi' li-akhbār al-umma*, Zāhīriyya MS, *ta'rīkh*, no. 346, p. 301; al-Barrādī, *Kitāb al-Jawāhir*, Cairo 1302, p. 160 = R. Rubinacci (tr.), 'Il califfo 'Abd al-Malik e gli Ibaditi', *Annali dell'Istituto Universitario Orientale di Napoli* NS 5 (1953), p. 112). This might reasonably have been expected to make some impression on a Muhallabid conscious of his 'Umānī origins and connections. It was not however, from Kirmān that 'Abd al-Malik was dismissed in 86 (as conjectured by Cook, *Dogma*, p. 63, with reference to Tab., ser. ii, p. 1182). According to Khalīla, *Ta'rīkh*, p. 410, he had been in charge of the Basran *shūrā* under al-Ḥajjāj, a point confirmed by al-Farazdaq (cf. H. Lammens, 'Le chantre des Omāides', *Journal Asiatique* sér. IX, 4 (1894), p. 172); differently put, he had served as the deputy of al-Ḥakam b. Ayyūb, al-Ḥajjāj's governor of Basra for most of the time between 75 and 86

according to which the call signified that the person who made it was angry on God's behalf, God having been disobeyed.²² *Kitāb Allāh wa-sunnat nabiyyihi* was thus an oppositional slogan on a par with *al-amr bi'l-ma'ruf wa'l-nahy 'an al-munkar*, and what it said was no more and no less than that the rebel disagreed with governmental practice, believing himself to have a better idea of what right practice was.

This explains why it is that the Umayyads and their governors only made use of the collocation in efforts to make rebels return to the fold, or in other words in attempts to persuade them that right practice was to be found with the caliphs after all. Thus, we are told, al-Mughīra b. Shu'ba used to preach to the philo-'Alid Ḥujr and his followers that 'Uthmān had followed the book of God and the *sunna* of His Prophet.²³ 'Abd al-Malik called Ibn al-Ashtar to God (sic) and the *sunna* of His Prophet before defeating the Zubayrids.²⁴ al-Ḥajjāj reputedly wrote to the Khārijite Qaṭarī b. al-Fujā'a that 'you have opposed the book of God and deviated from the *sunna* of His Prophet'.²⁵ 'Umar II instructed his governor of Iraq to call the Ḥarūriyya to *al-'amal bi-kitāb Allāh wa-sunnat nabiyyihi*.²⁶ And adherents of the anti-caliph Ibn al-Zubayr similarly called al-Mukhtār and his followers to *kitāb Allāh wa-sunnat rasūl Allāh* before defeating them.²⁷ With the possible exception of 'Umar II (to whom we shall return), the Umayyads did not normally make use of the collocation, not even in statements designed to present their policies in the most appealing of lights.²⁸ Things duly changed, however when

(Bal., *Ans.*, vol. iv/a, p. 59). It was undoubtedly from this office that he was dismissed, according to al-Ṭabarī, in 86. The fact that 'Abd al-Malik held office in the headquarters of the Ibāqīs in the period 75–86 might be taken to suggest that the epistle was composed during these years (rather than in the next period of Muhallabid ascendancy from 96 to 99).

22 He who becomes angry on God's behalf when He is disobeyed, and is content with God's *hukm*, and calls to *kitāb Allāh wa-ilā sunnat nabiyyihi wa-sunnat al-mu'minibar'ahu*, does not go to excess, as al-Barrādī's version has it (*Sawāhir*, p. 164 = Rubinacci, 'Il califfo', p. 118; garbled in al-İzkawī, *Kashf*, p. 304; missing from the *Hinds Xeraz*, where the version given is incomplete).

23 Tab., ser. ii, p. 113.

24 Tab., ser. ii, p. 743.

25 Ṣafwat, *Rasā'il*, vol. ii, p. 177 (citing al-Mubarrad, *al-Kāmil*). The version given by al-Jāhīz (*ibid.*, pp. 180f.) makes no reference to this. In neither version is the point picked up in Qaṭarī's reply.

26 Tab., ser. ii, p. 1347; Ibn Sa'd, *Tabaqāt*, vol. v, p. 358; Ibn 'Abd al-Ḥakam, *Šīra*, pp. 83, 90.

27 Tab., ser. ii, p. 722. Cf. also p. 742.

28 We do not know what Morony has in mind when he states that in the aftermath of the second civil war the Umayyads tried to increase their religious authority by claiming to rule in accordance with the Qur'ān and *sunna* (*Iraq*, p. 480).

an Umayyad *rebel* acceded to the throne. Like other dissidents, Yazīd III began by calling his followers to the book of God and the *sunna* of the Prophet, spelling out by way of concrete information that succession (*al-amr*) should be decided by consultation (*shūrā*).²⁹ Having done so, he also made use of the collocation in his accession speech: 'I have rebelled in anger on behalf of God, His Messenger and His religion, calling to God, to His book and to the *sunna* of His Prophet (*ṣlī*) at a time when the waymarks of guidance have been pulled down and the light of the people of godliness has been extinguished.'³⁰ He wrote to the people of Iraq promising them that he would act in accordance with the command of God and the *sunna* of His Prophet, following the way of the best of their people in past times.³¹ And in his letter of *amān* to al-Ḥārith b. Surayj he similarly stated that 'we became angry on God's behalf when His *hudūd* were suspended and His servants suffered all sorts of things, when blood was shed where it was not lawful and property was taken without right; so we wished to act in this community in accordance with the book of God, exalted and mighty is He, and the *sunna* of His Prophet'.³² In short, Yazīd III assured his subjects that he had not rebelled for personal reasons, but rather because God's law had been violated, something which he now promised to put right.³³

Plainly, the rebels who called to *kitāb Allāh wa-sunnat nabiyyihi* did not equate *sunna* with the example of the Prophet as attested in ḥadīth. Leaving aside the fact that some of them may have been Qu'ānic fundamentalists,³⁴ they never adduced examples set by the Prophet which the Umayyads were supposed to have ignored and which they themselves now promised to observe. Instead, they

29 Tab., ser. ii, p. 1804; Bal., *Ans.* (MS), vol. ii, fol. 167a.

30 Tab., ser. ii, p. 1834; Bal., *Ans.* (MS), vol. ii, fol. 169b; *Iqd*, vol. iv, pp. 95f.

31 Below, appendix 2, p. 128.

32 Tab., ser. ii, pp. 1867f.

33 Note that Ibn al-Zubayr also claimed to have rebelled *ghaḍabān li'llāh*, with special reference to the Umayyad handling of *say* (Aghānī, vol. i, p. 22); and 'Umar II sought to pre-empt the *ghaḍab* of the Khārijite Shawdhab when he wrote, 'it has come to my attention that you have rebelled *ghaḍabān li'llāh wa-li-nabiyyihi*, but you have no better right to do that than I do' (Tab., ser. ii, p. 1348).

34 One would assume this to be the case of the Khārijites referred to above, note 9. Compare 'Abdallāh b. Yaḥyā's call cited there with the *creed* of the Sistāni Ḥamza al-Khārijī: *raqīnā bīllāh rabbān wa-bī'l-Islām dīnān wa-bi-Muhammad nabiyyān wa-bī'l-Qur'ān imāmān wa-hakamān* (G. Scarcia, 'Lo scambio di lettere tra Hārūn al-Rasīd e Ḥamza al-Ḥārijī secondo il "Ta'rīḥ-i Sistān"', *Annali dell'Istituto Universitario Orientale di Napoli* NS 14 (1964) p. 639). As Zimmermann notes, Ḥamza's *creed* identifies the Qur'ān as the sole foundation for ritual, dogma, law and government (F. W. Zimmermann, 'Koran and Tradition in the Anti-Qadarite Epistle attributed to 'Umar b. 'Abd al-'Azīz', unpublished paper presented at the colloquium on the study of ḥadīth, Oxford 1982).

specified grievances such as the Umayyad manner of distributing revenues,³⁵ the stationing of Syrian troops in Iraq,³⁶ the keeping of troops too long in the field,³⁷ maltreatment of the Prophet's family,³⁸ tyranny and the like.³⁹ It was by these acts that the Umayyads had violated God's book and the *sunna* of his Prophet, or, as the rebels paraphrased it, suspended the *hudūd* and rendered the *sunna* dead;⁴⁰ and no attempt whatever was made to prove that the Prophet had acted otherwise. To the rebels *sunna* thus meant much the same as it did to the Umayyads, that is venerable and acceptable practice – practice acceptable to *them*. The Umayyads saw caliphal practice as identical with that of the Prophet for the simple reason that they approved of their own acts, while their opponents conversely saw it as opposed to that of the Prophet for the simple reason that they disliked Umayyad policies. To say that someone had followed the *sunna* of the Prophet was to say that he was a good man, not to specify what he had done in concrete terms.⁴¹ Contrariwise, when people complained that a governor had acted *bi-ghayr al-sunna*, they simply meant that he had behaved in a fashion unacceptable to them.⁴² In concrete terms, the 'sunna of the Prophet' meant nothing.

There are incidents in the revolts of Yazīd b. al-Muhallab and al-Ḥārith b. Surayj in which this comes across with particular clarity. Thus a participant in the revolt of Yazīd stated that 'we have called them [sc. the Umayyads] to the book of God and the *sunna* of His Prophet Muḥammad, may God bless him, and they claim that they

35 Cf. above, notes 5, 8-10, 29.

36 Thus Yazīd b. al-Muhallab, above, note 12.

37 Thus Zayd b. 'Alī, above, note 5.

38 Cf. above, notes 3-5.

39 Cf. notes 5 (*mazālim*), 8 (*jabariyya*), 12 (the behaviour of al-Ḥajjāj).

40 Cf. notes 2, 5, 8, 28.

41 Thus Abū Bakr had followed the *sunna* of the Prophet, while 'Umar had acted in accordance with the book of God and revived the *sunna* of the Prophet in the opinion of the Khārijites (Tab., ser. ii, p. 883); by contrast, 'Uthmān and 'Alī had innovated and abandoned Qur'ānic *ḥukm* (above, note 7). Past rulers had followed the book of God and the *sunna* of the Prophet according to Zayd b. 'Alī, but they had stopped doing so, and it was for this reason that he wished to revolt (*ibid.*, p. 1700). Similarly, a good practice such as that of electing the best Muslim ruler without reference to his tribal status was *ra'y rashid sa-qad muda'* *biki al-sunna bā'da al-rasūl* according to the Khārijites (*ibid.*, p. 985). To their opponents, of course, it was neither *ra'y rashid* nor *sunna*. Whatever one liked could be *sunna* even if nobody practised it: *innahū sunna walakin nāha darasat* (*Wakī'*, *Qudāh*, vol. iii, p. 71; cf. also Abū Dhu'ayb in *Aghārī*, vol. vi, p. 277⁶).

42 Cf. *Yqd*, vol. ii, p. 80⁹, with reference to al-Ḥajjāj's governorship of the Ḥaramayn; of Marwān in Medina it was similarly said that he *lā yaqṣī bi-sunna* (*ibid.*, p. 110; *Qalqashandī*, *Šubh*, vol. i, p. 259).

have accepted it from us', meaning that it would be unwise to initiate further hostilities; but Yazīd replied, 'do you really believe that the Umayyads will act in accordance with the book of God and the *sunna* of the Prophet? They have destroyed that (*qad ḥayya'ū dhālika*) ever since they came into existence'.⁴³ It is plain that this interchange was not about the Umayyad attitude to Qur'ān and *sunna* but rather about the rebels' chances of having their concrete demands accepted, Yazīd b. al-Muhallab's point being that the alleged Umayyad willingness to negotiate should not be trusted. Similarly, when 'Āsim b. 'Umayr, the governor of Khurāsān, agreed with al-Ḥārith b. Surayj to ask Hishām for the book of God and the *sunna* of the Prophet and to rebel if the response was negative,⁴⁴ the issue was not Qur'ān and ḥadīth, but rather Hishām's choice of personnel: 'I am only asking for the book of God, exalted and mighty is He, and conduct in accordance with the *sunna*, and the employment of people of merit and excellence', al-Ḥārith later explained to Naṣr b. Sayyār.⁴⁵ In the governorship of the latter, al-Ḥārith had some sort of manifesto read aloud in the streets⁴⁶ and he made it clear that the governor of Khurāsān ought in his view to be chosen by local men, *i.e.* by a *shūrā*.⁴⁷ Naṣr refused to step down,⁴⁸ but a *shūrā* for the election of sub-governors did in fact take place. Naṣr and al-Ḥārith nominated two men each, instructing them to nominate candidates of their own 'who would act in accordance with the book of God', and to draw up such *sunan* and *siyar* as the candidates in question should follow.⁴⁹ To al-Ḥārith and his followers, the book of God and the *sunna* of the Prophet thus stood for local control of local government.⁵⁰ To other rebels in other areas, it stood for something else again.

43 Tab., ser. ii, pp. 1399f.

44 Tab., ser. ii, p. 1577.

45 Tab., ser. ii, p. 1889.

46 Tab., ser. ii, pp. 1918, 1920. It was a *kitāb sayyara fīhi sīrat al-Ḥārith*.

47 Tab., ser. ii, p. 1918. *Al-amr* ('authority') normally stands for the caliphate in the expression *al-amr shūrā* (as in the tradition *al-amr fī Quraysh*, cf. A. Arazi and A. El'ad, 'al-Ināfa fī rūbat al-xilāfa de Ġalāl al-dīn al-Suyūṭī', *Israel Oriental Studies* 8 (1978), p. 232), but the context here and at p. 1919 strongly suggests that al-Ḥārith had the governorship of Khurāsān in mind.

48 Tab., ser. ii, p. 1918; compare p. 1931, where al-Ḥārith once more calls for the *amr* to be *shūrā* and it is al-Kirmānī who refuses.

49 Tab., ser. ii, p. 1918. Al-Ḥārith's candidates are unidentifiable, but Naṣr chose Muqātil b. Sulaymān, the exegete, and Muqātil b. Ḥayyān [al-Nabaṭī], the son of a distinguished *mawlā* who had become a *mawlā muwālāt* of the exegete. Compare below, appendix 2, p. 127 and note 85 thereto, where Yazīd III envisages a *shūrā* as consisting of *fugahd' al-muslimīn wa-ṣulahā 'uhum*.

50 Cf. Tab., ser. ii, p. 1583, where al-Ḥārith's followers at Āmul surrender, asking for the book of God and the *sunna* of the Prophet plus immunity for the towns

In short, the collocation of book and *sunna* stood for justice, whatever justice was perceived to be in each particular case. Al-Ḥārith b. Surayj paraphrased his demand for the book of God and conduct in accordance with the *sunna* as one for *al-qiyām bī l-‘adl wa l-sunna*, telling Naṣr that it was now thirteen years since he had left Marw *inkārān li l-jawr*, 'in protest against tyranny'.⁵¹ 'We only fought for you in search of justice (*qalabāt-‘adl*)', erstwhile followers of his explained when they seceded from him, making their own call to the book and the *sunna*, 'we are the righteous party (*al-fi‘a al-‘adila*) calling to the truth'.⁵² *Sunna* in the sense of right and just practice might well be documented with reference to the past. Yazīd b. al-Muhallab called not only to the book of God and the *sunna* of the Prophet, but also to the *sunna* of the two 'Umars.⁵³ A Khārijite prisoner taken by al-Ḥajjāj objected to al-Ḥajjāj's execution of prisoners and defined the *sunna* on this point by reference to the book of God and pre-Islamic poetry.⁵⁴ The *sunna* by which Marwān tried to justify Mu‘āwiya's designation of Yazīd I as his successor was the precedent set by Abū Bakr.⁵⁵ And a clever poet invoked the precedent of the prophet himself to 'Umar II, informing this notoriously stingy caliph that the *Prophet* used to reward the poets who praised him.⁵⁶ But in all these examples the reference is to the past as generally remembered and approved, not to a special record of Prophetic (or for that matter other) precedent transmitted with particular care on account of its particular authority. Whether pre-Islamic poetry, the Prophet or later figures are invoked, *sunna* refers to all those norms which a person comes to regard as binding through interaction with his social peers and for which he will only seek support in the past if the norms in question are violated, not to a code absorbed through a study of past models to which reference will constantly be made as a matter of course. It was people's notions

which had participated in the revolt; both requests were granted them, whereupon a relative of Maṣqala b. Hubayra was appointed governor. An appointment of this kind was presumably among the things they had sought for: one of the leaders of the revolt was a *mawlā* of Ḥayyān al-Nabaṭī, a *mawlā* of Maṣqala b. Hubayra (*ibid.*, p. 1582).

51 *Tab.*, ser. ii, p. 1890. Note also the association of *kirāb* and *sunna* with *radd al-mazālim*, above, note 8.

52 *Tab.*, ser. ii, p. 1931.

53 *Tab.*, ser. ii, p. 1392.

54 *Iqd*, vol. ii, p. 174. A knowledge of poetry and *ayyām al-‘arab* was apparently appreciated in *qādīs*, cf. below, note 87.

55 Above, chapter 4, note 89.

56 *Iqd*, vol. ii, p. 92⁷; compare *Aghānī*, vol. iv, p. 276, where the Prophet is invoked to al-Walīd I.

of propriety and justice which determined what was *sunna*, not the other way round; and appeals to the *sunna*, or to the book and *sunna*, or to the book on its own, or simply to God,⁵⁷ were so many appeals to these notions, whatever they were at any given time.⁵⁸

It is because the book of God and the *sunna* of the Prophet stood for whatever was perceived to be right and proper in any given case that an oath of allegiance involving this collocation was a conditional one: allegiance was pledged as long as propriety and justice were observed. When Muslim b. 'Uqba reconquered Medina for Yazid I, he executed two Medinese for their determination to swear allegiance on the book of God and the *sunna* of the Prophet, as opposed to on the understanding that they were slaves whose lives and property were at the discretion of the caliph.⁵⁹ Ibn 'Umar is said to have paid written allegiance to 'Abd al-Malik on the *sunna* of God (sic) and the *sunna* of his Prophet.⁶⁰ But al-Mukhtār, who had called for the book of God and the *sunna* of the Prophet in confrontation with the

57 'Abd al-Malik called Ibn al-Ashtar to God and the *sunna* of His Prophet, which may be a scribal mistake (above, note 24); but the *Azd* of Khurāsān gave *bay'a* to 'Abd al-Malik b. Harmala 'alā *kitāb Allāh 'azza wa-jalla* (Tab. ser. ii, p. 1862); al-Kirmānī protested that he only wanted 'the book of God' when he took Marw (*ibid.*, p. 1930); and Qaḥṭaba, advancing against the Syrian troops at Iṣfahān, fixed a *mushāf* on a spear and called the enemy to *ma / iḥdū 'l-muṣḥaf* (*ibid.*, ser. iii, p. 5). Note also how *kitāb Allāh wa-sunnat nabiyyihī* in al-Barrādī's version of Jābir's letter to a certain 'Abd al-Malik twice figures as *kitāb Allāh/kitāb rabbihim* only in al-Izkawī's rendition (Barrādī, *Sawāhir*, pp. 165f.; al-Izkawī, *Kashf*, p. 305).

58 'By what book or by what *sunna* do you consider my love of them [sc. the Hāshimites] dishonourable for me?', as Kumayt rhetorically asked (al-Kumayt, *Die Hāshimijjāt*, ed. and tr. J. Horovitz, Leiden 1904, p. 32 = 27; no. 2: 13), meaning that there was no reason why it should be dishonourable at all. 'I do not know in what book of God they find this *rizq* and *'aṣā'*'. Mu'āwiya is reported to have said, meaning that the rights which his subjects claimed in respect of them could be ignored (Ibn 'Abd al-Hakam, *Futūh Misr wa-akhbāruhā*, p. 101).

59 Bal., *Ans.*, vol. iv/b, pp. 38f.; cf. Tab., ser. ii, p. 420, where the book of God and the *sunna* of the Prophet are replaced by *sunna* 'Umar. Compare Ibn Ḥazm, *Jamharat arsāb al-'arab*, ed. 'A.-S. M. Hārūn, Cairo 1962, p. 427, where a Kindī gives allegiance to Mu'āwiya 'alā *kitāb Allāh 'azza wa-jalla wa-sunnat rasūl Allāh*: Mu'āwiya protested that *lā shari'a laka*, to which the Kindī replied *wa-anta lā bay'ar a laka*.

60 *Iqd*, vol. iv, p. 400; al-Bukhārī, *Le recueil des traditions mahométanes*, ed. L. Kreit and T. W. Juynboll, Leiden 1862–1908, vol. iv, p. 402; Qalqashandī, *Subh*, vol. vi, p. 480 (has the more traditional *kitāb Allāh wa-sunnat nabiyyihī*); Ibn 'Asākir, *Tahdhīb*, vol. vi, p. 52 (mentions the written form); Thomson, 'Early Sects', p. 91 (misses the exceptional nature of this oath). For another oath on the *sunna* rather than the book of God, see Ibn 'Asākir, *Tahdhīb*, vol. v, p. 424: after the death of 'Aṣī, Ziyād secured from Mu'āwiya an *oṣnā* for himself and for Ḥujr b. 'Adī and his companions, at which they swore allegiance 'on the *sunna* of God, the *sunna* of His messenger, and action in obedience to Him'.

Umayyads, contemptuously refused a compact with Ibn al-Zubayr on the basis of book and *sunna*: 'you can go and make a compact with my worst slave-boy on that', he said, spelling out an alternative *bay'a* designed to give him a far greater say in Ibn al-Zubayr's affairs:⁶¹ the 'run-of-the-mill compact' (*al-mubāya'a al-'āmma*) did not suffice in this case.⁶² Conversely, an undertaking to rule in accordance with the book and the *sunna* amounted to a renunciation of absolutism. Having explained, in his accession speech, that he had rebelled in anger on God's behalf, calling to the book of God and the *sunna* of the Prophet, Yazid III proceeded to state that he would engage in no building works, squander no money on wives and children, transfer no money from one province to another except in a limited way and with good reason, keep no troops in the field too long, destroy nobody's income by overtaxing *dhimmi's* and thus forcing them to flee, and allow no mighty to oppress the weak; on the contrary, he would pay everybody's stipends and maintenance when they were due and treat remote provincials on a par with subjects close at hand; and he would step down if he acted otherwise (provided that he had been given the opportunity to repent) or if a more suitable candidate for the job could be found.⁶³ Observing the command of God and the *sunna* of the Prophet amounted to following 'the way of your best people in the past' (*sabil man salasa min khiyārikum*), as he said in his letter to the people of Iraq,⁶⁴ or in other words to pay attention to what his subjects took to be right practice.⁶⁵ Like al-Hārith b. Surayj, he held that *al-amr shūrā*, or in other words that the caliphate should be elective.⁶⁶ To everyone except the followers of the *ahl al-bayt*, the book of God and the *sunna* of the Prophet stood for a rejection of absolutism, justice being a matter of consultation. To the followers of the *ahl al-bayt*, of course, it stood for a rejection of the Umayyads only, what they hankered for being the unlimited power of a different house. But either way, *al-qiyām bī'l-sunna wa-'adl* had little or nothing to do with prophetic rules attested in Ḥadīth.

61 Tab., ser. ii, p. 528; cf. Bal., *Ans.*, vol. v, pp. 216f.

62 Bal., *Ans.*, vol. v, p. 217.

63 Tab., ser. ii, pp. 1834f.; Khalīfa, *Tarīkh*, pp. 550f.; Aṣdī, *Mawṣil*, pp. 57f.; Kūāb al-uyyān, p. 150; *Iqd*, vol. iv, pp. 95f., 462ff.

64 Cf. below, appendix 2, p. 128.

65 Note also that in Jābir's letter to a certain 'Abd al-Malik a man who is angry on God's behalf calls not only to the book of God and the *sunna* of the Prophet, but also to the *sunna* of the believers after him (Barrādī, *Jawāhir*, p. 164; garbled in Izkawī, *Kashf*, p. 304).

66 Tab., ser. ii, p. 1804.

When then do we first come across the concept of a Prophetic *sunna* endowed with a content of its own? Allegedly, it is attested as early as the first civil war in the arbitration document drawn up after the battle of Siffin. (Incidentally, the non-Muslim contention that it was the Syrians who won this battle is corroborated by Umayyad court poetry).⁶⁷ But the more plausible version of this document states that the arbiters should seek guidance in the book of God and, failing that, in *al-sunna al-ādila al-jāmi'a ghayr al-mufarriqa*, 'the just sunna which unites people and does not set them apart', not the *sunna* of the Prophet.⁶⁸ To later Muslims this was unintelligible. 'Where is that *sunna*, where should one seek it, what is its form, what is its formulation, what is the basis of its meaning?', as al-Jāhīz asked in outrage, concluding that the original reference must have been to the *sunna* of the Prophet;⁶⁹ and another version of the document (B) duly replaces the offensive expression with a hybrid *sunnat rasūl Allāh al-jāmi'a*. But what the document referred to was clearly a *sunna* conceived in purely pre-Islamic terms.⁷⁰

The arbitration document illustrates a problem familiar to all students of early Islamic history, viz. that the historical tradition was updated in the course of its transmission.⁷¹ As it happens, document A survives. Had it been lost, we should still have argued against the

67 Farazdaq, vol. I, p. 101⁴⁴; Akhṣal, pp. 174f; cf. P. Crone, *Slaves on Horses*, Cambridge 1980, notes 30, 103.

68 Hinds, 'Arbitration Agreement', pp. 102ff.

69 Hinds, 'Arbitration Agreement', p. 109.

70 Cf. the pre-Islamic phrase *hūs jāmī' ghayr mufarriq* adduced by Hinds, 'Arbitration Agreement', p. 101. The Shī'ites also understood the *sunna* in question as a Prophetic one, cf. Ibn Abī 'l-Ḥadīd, *Sharḥ*, vol. xvii, p. 52, where 'Alī's instructions to al-Ashtar on the latter's appointment to Egypt include the statement that *al-radd ilā 'l-rasūl* (Qur. 4:62) equals *al-akhdh bi-sunnatihī 'l-jāmi'a ghayr al-mufarriqa*.

71 Compare *Iqd*, vol. iv, p. 457; here al-Walīd II tells Shurā'a that he did not summon him to ask him about *kitāb Allāh wa-sunnat nabiyyihī*, but rather to discuss wine (similarly, vol. vi, p. 336); but in *Aghānī*, vol. vii, p. 49, he says that he did not summon him to ask him about *'ijm*, get a *fatwā* from him on *fiqh*, or hear him tell *ḥadīth* or recite the Qur'ān. In the first passage he is presumably saying that he is not interested in boring talk about pious practice illustrated with reference to the Qur'ān of the type found in the theological epistles; in the second passage he spells out what a classical scholar understood by the collocation. Compare also Dhahabī, *Siyar*, vol. v, p. 372; *Aghānī*, vol. vii, p. 83. Here al-Mahdī says that al-Walīd II was not a *zindiq*, given that God would not place His caliphate with somebody who did not believe in Him; but in the second version of this story, it is al-Mahdī who says that he was a *zindiq* and a *faqīh* who objects on the ground that God would not appoint someone who did not believe in Him to *khilāf al-nubuwwa* (as opposed to *khilāf Allāh*) and *amr al-ammā*.

authenticity of document B's rendition on the ground that so early an occurrence of Prophetic *sunna* as a source in its own right is implausible in the light of other evidence. This is a less conclusive argument, but documents like A do not always survive, and there are passages in the tradition to which it must be applied. We take it that poetry and documents were more resistant to updating than the rest of the tradition (though evidently not impervious to it, given that they were preserved within it, and evidently not always authentic in the first place either); and we treat with special respect un-classical sounding statements in the sources on the ground that they are likely to be survivals. Where such evidence adds up to a consistent picture, we dismiss classical-sounding statements contradicting it, as for example 'Umar's long suspect instructions to the *qādī* and similar material.⁷² But inevitably much of our evidence is of a somewhat indeterminate status: it might be authentic (or at least early) or it might not be. Where this is the case, we have chosen to err (for the sake of the argument) on the side of credulity.

Turning now to the theological epistles extant from the Umayyad and/or early 'Abbāsid periods, we find that prophetic *sunna* is here usually mentioned in collocation with the book of God, usually with the same insubstantial meaning of 'right practice' as in the parlance of the Umayyads, their poets and their opponents. Thus the letter ascribed to al-Hasan al-Baṣrī declares that 'every doctrine which has no proof from God is an error', all while referring with approval to the fact that its author has learned from 'the ancestors who acted in accordance with God's command, transmitted His wisdom and followed the *sunna* of the Prophet' (*istannū bi-sunnat rasūl Allāh*),⁷³ suggesting that the author was a Qur'ānic fundamentalist for whom the sole source of *sunna* was the Qur'ān as interpreted by people of whom he approved. The Qur'ān is also the sole concrete source of *sunna* in the letter of Jābir to a certain 'Abd al-Malik,⁷⁴ while the traditions cited in the epistle attributed to 'Umar II can be dismissed

72 Cf. D. Margoliouth, 'Omar's Instructions to the Kadi', *Journal of the Royal Asiatic Society* 1910; compare 'Umar on *kitāb* and *sunna* in *Wakī'*, *Qudāh*, vol. II, p. 189 and *passim*; Tab., ser. i, p. 1754, where the Prophet himself exhorts people to stick to *kitāb Allāh wa-sunnat nabiyyihi*; and numerous passages of the same kind scattered throughout the sources.

73 H. Ritter, 'Studien zur Geschichte der islamischen Frömmigkeit', *Der Islam* 21 (1983) p. 68.

74 As noted by J. Schacht, 'Sur l'expression "Sunna du Prophète"' in *Mélanges d'Orientalisme offerts à Henri Massé*, Tehran 1963, pp. 363f. Note also how knowledge of *kitāb Allāh wa-sunnat rasūlihi* ends up as knowledge of *kitāb Allāh* in the story told in *Wakī'*, *Qudāh*, vol. II, p. 30.

as intrusive.⁷⁵ All the epistles are heavily Qur'ānic, and in general *sunna* does not in their parlance have anything to do with Ḥadīth.⁷⁶

Even so, they are not all completely innocent of it. Thus it is in response to the question whether his views were based on 'transmission from one of the Companions of the Prophet' that the author of al-Ḥasan's letter declares himself a Qur'ānic fundamentalist;⁷⁷ in other words, Companion Ḥadīth existed though he did not feel bound by it. One epistle, the *Sīrat Sālim*, cites concrete examples of Prophetic action as well as a Prophetic dictum,⁷⁸ while another (the Ibādī letter to a certain Shī'ite formerly known as Ibn Ibād's second letter to 'Abd al-Malik) argues against Shī'ite Ḥadīth in a manner ruling out the possibility of interpolation.⁷⁹ None of the letters can be precisely dated, however; in fact, such provisional dates as they have turn partly on the presence or otherwise of Ḥadīth in them. They suggest that Ḥadīth was in the making in the late Umayyad period, but that is all one can say.

Legal Ḥadīth, however, similarly suggests that it was in the late Umayyad period that Ḥadīth acquired currency, if again without providing any firm dates. In early Ḥadīth legal questions later to be resolved by the Prophet are often resolved by jurists (*fugahā*) acting as authorities in their own right. Most of them belong to the mid and late Umayyad period, though many of their views are likely to have been ascribed to them after their death. Now their views coexist with numerous traditions from early caliphs and other Companions, occasionally even the Prophet, which seem to reflect the same stage of legal development; and if this is correct, the traditions in question must have been current in the late Umayyad/early 'Abbāsid periods too.⁸⁰ Elsewhere we are told that 'Abd al-Malik warned the Medinese against the flood of unknown *ahādīth* coming from Iraq (or more precisely *al-mashrig*), telling them to stick to the *muṣḥaf* collected by 'Uthmān, *al-imām al-mazlūm*, and to the *farā'iṣ* similarly collected by him in collaboration with Zayd b. Thābit.⁸¹ Eastern Ḥadīth is here something contrasted with caliphal scripture and law, not with Prophetic practice preserved by the Medinese; and though 'Abd al-Malik may never had said anything of the kind, the statement must

75 Cf. Cook, *Dogma*, pp. 125ff.; Zimmermann, 'Koran and Tradition'.

76 Cf. the discussion in Cook, *Dogma*, ch. 3.

77 Ritter, 'Studien', p. 67.

78 Cook, *Dogma*, pp. 99f.

79 Cook, *Dogma*, pp. 18ff, cf. pp. 53ff.

80 Cf. Crone, *Roman, Provincial and Islamic Law*, ch. 2.

81 Ibn Sa'd, *Tabaqāt*, vol. v, p. 233.

surely antedate the fall of the Umayyads. In fact, by the late Umayyad period even al-Farazdaq knew of people who related from the Prophet,⁸² while another poet who died in the 740s spoke of the Prophet's *sunna* as something which it was useful to study.⁸³ Distressingly vague though the evidence is, it thus seems reasonable to conclude that by the end of the Umayyad period the *sunna* of the Prophet had acquired a content of its own. This is not to say that every rule in it was ascribed to the Prophet himself; on the contrary, cherished practices and clever opinions ascribed to local sages were Prophetic *sunna* only in the sense that they were *ra'y rashid*.⁸⁴ But under the aegis of the Prophet there was now a concrete alternative to caliphal practice, and this is the point of importance here: by the late Umayyad period the Prophet had not only acquired his capital 'P', but also sponsored a law conceived in opposition to that of the Deputy.

Even so, it must be stressed that what the scholars took to be Prophetic *sunna* scarcely surfaced in the Umayyad period outside the circles of the scholars themselves. Practically no traditions, be they Prophetic or other, are cited in letters or speeches by Umayyad caliphs, governors or secretaries.⁸⁵ None seem to be adduced by rebels. Scarcely any appear in theological epistles. Hardly any are cited in accounts about Umayyad judges,⁸⁶ judges being required to

82 Farazdaq, vol. II, p. 846⁷⁻⁸ (people of learning who relate from the Prophet say that if prophecy had not come to an end, Hishām would have been in receipt of revelation). Both Hishām and al-Walīd I were familiar with traditions of the same type (whoever has been caliph for three days escapes hell fire; God counts the good deeds of a caliph only, not the bad ones), but neither identified them as traditions from the Prophet (cf. the references given below, chapter 6, notes 60, 61).

83 'Urwa b. 'Udhayna (d. c. 130), p. 91³⁹: *minnā al-nabi' l-wannī sunnatuhu fādila nāfi* *ta'allumuhā*.

84 Cf. above, note 41.

85 For a rare example, see Dhahabī, *Siyar*, vol. IV, p. 247, where 'Abd al-Malik cites a well known Prophetic tradition on the dire fate of those who refuse to go on campaign (*mā min muslim lā yaghzū aw yujahhizu ghāziyā* . . . *illā aṣābahu 'llāh bi-qān'a qabla 'l-mawt*) in an oration delivered from the *minbar*, saying that he had heard it from Abū Hurayra. Given al-Dhahabī's date, his testimony is not of course particularly compelling: the context is 'Abd al-Malik's Medinese upbringing and his reputation as a *faqīh* (cf. above, chapter 4, note 46). In another late source, Ibn 'Asākir, *Tahdhīb*, vol. IV, p. 51, al-Ḥajjāj cites Prophetic traditions complete with *isnād*s: one, which he invoked in his *khurṣha*, had been transmitted via *khurṣhas* by 'Uthmān to Marwān to 'Abd al-Malik. Compare also *ibid.* vol. III, pp. 287, 450, where 'Abd al-Malik and Hishām are told Prophetic traditions by others.

86 Umayyad judges appear as transmitters of Prophetic Ḥadīth every now and again in Wakī', *Quḍāh*, e.g. vol. I, pp. 304, 324f., cf. 337; vol. II, pp. 15ff., 23ff., 54; vol. III, pp. 37ff., 117. But most of the traditions cited are non-legal, even in the case of

know the Qur'ān, not tradition.⁸⁷ If our records of Islamic civilisation had stopped in 750, Ḥadīth would have appeared to us as a marginal phenomenon. We would have been familiar with the concept of *sunna*, both Prophetic and other, and we would have known that *sugahā* engaged in the study of the law had begun to acquire some local standing;⁸⁸ but we would not have ascribed much importance to tradition. To all this there is only one alleged exception: the sources insist that a Prophetic *sunna* with a content of its own came to the surface for a brief while under 'Umar II.

'Umar II is said to have made use of the collocation *kitāb Allāh wa-sunnat nabiyyihi*, not only in connection with the Ḥarūriyya, but also in statements of policy. Thus he professed himself bent on *iḥyā kitāb Allāh wa-sunnat nabiyyihi*,⁸⁹ held that no obedience was due to any governor of his who did not act in accordance with the *kitāb* and *sunna*,⁹⁰ informed his governor of Basra that adjudication should be based primarily on *kitāb Allāh* and secondarily on *sunnat rasūl Allāh*,⁹¹ and stressed the overriding importance of adhering to both.⁹²

judges who died in the early 'Abbāsid period such as Ibn Shubrūma and al-Ḥajjāj b. Arjāh. Companion Ḥadīth is rarer, though the *khulafā' al-rashidūn al-mahdiyyūn* are invoked on a legal point in vol. i, p. 295. In Kindī, *Governors*, a ḥāfi who died in 83/702f. cites a legal dictum of 'Umar's at p. 319, but no Prophetic precedent is invoked here until the reign of al-Mahdī, in which a judge was dismissed for 'perverting *sunnat rasūl Allāh*', having refused to recognise the legal validity of *ahbās* even though it was recognised by the Prophet, Abū Bakr, 'Umar, 'Uthmān, Talhā, al-Zubayr and others (p. 372; similarly Ibn 'Abd al-Ḥakam, *Fuṣūl Miṣr*, p. 244, cf. the glossary at p. 56* for the verb *yakīdu*).

87 Ibn Hubayra wanted to know whether Iyās b. Mu'āwiya, *qādī* of Basra, could recite the Qur'ān and knew any poetry and *ayyām al-ārab*, the answer to all three questions being positive (*Wakī'*, *Quḍāh*, vol. i, pp. 351f.). Marwān I wanted to know whether the *qādī* of Egypt had memorised the Qur'ān, knew the *sarā'iḍ* and could write, the answer to all three questions being negative (Kindī, *Governors*, p. 312). When 'Umar's governor of Mecca appointed a *mawlā* as subgovernor, he justified it with reference to the fact that he could recite the book and knew the *sarā'iḍ* (*al-Fākihī*, *Akhbār Makka*, ed. F. Wüstenfeld, Leipzig 1859 p. 36). Knowledge of *sunna*, let alone *sunna* exemplified in Ḥadīth, does not seem to have been a desideratum.

88 Cf. Tab., ser. ii, p. 1571, where we are told that the governor of Khurāsān had sent *sugahā* and *qurrā'* to negotiate with al-Ḥārith b. Surayj in the expectation that al-Ḥārith would similarly send men to him.

89 Ibn 'Abd al-Ḥakam, *Sīra*, p. 78; cf. p. 40; Ibn Sa'd, *Tabaqāt*, vol. v, pp. 342, 376; *Iqd*, vol. iv, p. 435.

90 Ṣafwat, *Rasā'il*, vol. ii, p. 361, citing Ibn al-Jawzī, *Sīrat 'Umar b. 'Abd al-'Azīz*, ed. M.-D. al-Khaṭīb, Cairo 1331, p. 72.

91 *Wakī'*, *Quḍāh*, vol. i, p. 77; Bal., *Ans.* (MS), vol. ii, fol. 72a.

92 Ibn 'Abd al-Ḥakam, *Sīra*, pp. 69ff. In this letter, supposedly written on his accession, 'Umar II refers to the book and *sunna* time and again; even so, the examples of Prophetic *sunna* are all Qur'ānic.

What is more, he made it clear that for him the Prophet's *sunna* had a content of its own. Thus, we are told, he gave orders for the *ahl al-ilm* to disseminate their knowledge in the mosques, complaining that 'the *sunna* has been rendered dead',⁹³ and for the *ahl al-ṣalāh* to be supported by the treasury so that they could devote themselves to recitation of the Qur'an and transmission of *ahādīth*.⁹⁴ He wrote to Abū Bakr b. (Muhammad b. 'Amrb.) Ḥazm in Medina, telling him to write down such *ḥadīth rasūl Allāh* as he could find there on the ground that both 'ilm and 'ulamā' might disappear.⁹⁵ He emphasized that one should stick to the *sunna* of the Messenger and leave off what had been innovated after him,⁹⁶ instructing Abū Bakr b. Ḥazm to accept nothing but Prophetic Ḥadīth⁹⁷ and elsewhere quoting the *ahl al-sunna* as saying that sticking to the *sunna* brings salvation.⁹⁸ In general, he pronounced himself to be a mere imitator (*muqtadī*) rather than an adjudicator (*qādī*),⁹⁹ and it was in this spirit that he allegedly refused to be known as *khalīfah Allāh*.¹⁰⁰ How much of this is true? Possibly none of it.

We do not wish to deny that 'Umar II was an unusual caliph. As little as twenty years after his death even so rabidly anti-Umayyad a rebel as Abū Ḥamza al-Khārijī refrained from condemning him, merely saying that though he had good intentions, he failed to carry them out;¹⁰¹ and a few years after Abū Ḥamza had exempted him from hell-fire, the 'Abbāsid avengers similarly exempted him from the exhumation and posthumous execution which other Umayyad caliphs had to undergo,¹⁰² sparing the life of his son and grandson too.¹⁰³

93 Ṣafwat, *Rasā'il*, vol. II, p. 357, citing Ibn al-Jawzī, *Sīra*, p. 94.

94 Ṣafwat, *Rasā'il*, vol. II, p. 334, citing Ibn al-Jawzī, *Sīra*, p. 103.

95 Bukhārī, *Recueil*, vol. I, p. 37.

96 Ṣafwat, *Rasā'il*, vol. II, pp. 349f, citing Ibn al-Jawzī, *Sīra*, p. 67.

97 Bukhārī, *Recueil*, vol. I, p. 37. But we are told that this bit was missing in Ibn Dīnār's version.

98 Ṣafwat, *Rasā'il*, vol. II, p. 360 (citing Ibn al-Jawzī, *Sīra*, p. 68); cf. p. 350 (p. 67), where there is 'īṣma in following the *sunna*.

99 Mas., *Murūj*, vol. IV, § 2175 = vol. V, p. 421. Ibn 'Abd al-Hakam, *Sīra*, p. 42, has *muṇaffidh* for *muqtadī*, as do Ibn Sa'd, *Tabaqāt*, vol. V, pp. 340, 368, and Al-Ājurri, *Akhbār Abī Hafṣ 'Umar b. 'Abd al-'Azīz*, ed. 'A. 'A.-R. 'Usaylān, Beirut 1979, p. 63; but assonance makes the former reading preferable (cf. the continuation *wa-lasru bi-mubtadi' walākinnī mursabī*).

100 Cf. above, chapter 2, note 18.

101 Cf. appendix 3, p. 130.

102 S. Moscati, 'Le massacre des Umayyades dans l'histoire et dans les fragments poétiques', *Archiv Orientalní* 18⁴ (1950), pp. 89ff.

103 'Abd al-'Azīz b. 'Umar was spared when Dāwūd b. 'Aīt interceded for him (*Aghānī*, vol. IV, p. 346) and was later to be found among the *sahāba* of Abū Ja'far (Abū Zur'a, *Ta'rikh*, ed. Sh. al-Qūjānī, Damascus 1980, p. 569, no. 15679). Adam

Shī'ite sources extol his virtues;¹⁰⁴ Christian sources deplore his zeal for Islam;¹⁰⁵ and Sunnī sources describe him as the *mahdī*, an epithet which numerous Umayyad caliphs have in court poetry, but which only he has retained outside it.¹⁰⁶ We take it that his unusual role was at least in part forced upon him by his name and date.¹⁰⁷ However this may be, the fact that posterity accepted him as a rightly guided caliph also means that it fathered a great many later views on him. It is by no means implausible that he undertook to rule in accordance with the book of God and the *sunna* of the prophet in the same sense as Yazīd III was to do so,¹⁰⁸ that is by renouncing the most unpopular aspects of Umayyad policy. Thus we are told of the scrupulous attention he paid to proper use of public funds,¹⁰⁹ of his rejection of conventional fripperies associated with caliphal ceremonial,¹¹⁰ of his obsession with justice and equality,¹¹¹ of his

b. 'Abd al-'Azīz b. 'Umar was spared by 'Abdallāh b. 'Alī (Ibn 'Asākir, *Tahdhīb*, vol. II, p. 364) and went on to find favour with Abū'l-Abbās and al-Mahdī (Aghānī, vol. xv, pp. 286ff.).

104 E. Kohlberg, 'Some Imāmī Shī'ī Interpretations of Umayyad History' in G. H. A. Juynboll (ed.), *Studies on the First Century of Islamic Society*, Carbondale and Edwardsville 1982, pp. 153f.

105 Cf. Theophanes, *Chronographia*, p. 399; Severus, *Siyar al-ibādā*, p. 144 = 152; Michael the Syrian, *Chronique*, ed. and tr. J.-B. Chabot, Paris 1899–1910, vol. II, pp. 488f.

106 Cf. below, appendix I, p. 114. Sulaymān is also *mahdī* in both poetry and prose to the extent that al-Mas'ūdī credits him with the *lāqab* al-Mahdī (Mas., *Tanbīh*, p. 335); but al-Mas'ūdī's Umayyad *alqāb* are all spurious whereas 'Umar II was remembered as the *Mahdī* in a very real sense.

107 Below, appendix I.

108 Cf. Tab., ser. ii, p. 1835, where one of Yazīd III's supporters describes the latter as even better than 'Umar II.

109 This comes over strongly in his refusal to accord largesse to poets from *māl Allāh/bayt al-māl* (Aghānī, vol. VIII, p. 48, vol. XI, p. 283) and what he did give them came in small amounts, from his own *'aṣā* in one case (*ibid.* vol. VIII, p. 48) and from a whip-round among his *ummahāt al-awlād* in another (Ibn 'Asākir, *Tahdhīb*, vol. V, p. 251). We also find him quibbling about the governor of Medina's consumption of candle-wax and wicks, and telling him that smaller writing will obviate the need for any increase in the quantity of *qawāmīr/qarāqīs* required (Ibn Sa'd, *Tabaqāt*, vol. V, p. 400; Ibn 'Abd al-Ḥakam, *Sīra*, pp. 64f.). And he is said to have taken nothing for himself from the treasury (*Iqd*, vol. IV, p. 434).

110 Ibn 'Abd al-Ḥakam, *Sīra*, pp. 38ff. (a substantial list of items); Waki', *Qudāh* vol. II, p. 43 and Ibn Abī'l-Ḥadīd, *Sharh*, vol. XVII, p. 100 (rejection of caliphal seating arrangements).

111 He sought (and received) from al-Ḥasan al-Baṣrī a treatise on *al-imām al-ādil* (*Ṣafwat, Rasā'il*, vol. II, pp. 378–80, citing the *Iqd* and Ibn al-Jawzī), and the poet Jarīr saw fit to describe him as such (cf. above, chapter 3, note 101); in addition to the recurrent concern for *'adl* and the elimination of *zulm* exhibited in the extensive moralising correspondence with governors which is attributed to him, note can be made of the references to *'adl* in what purport to be his *rawqī'āt* (*Ṣafwat,*

concern for the poor, the needy, widows and orphans,¹¹² of his open condemnation of governors such as al-Hajjāj,¹¹³ of his conciliation of the 'Alids and their supporters,¹¹⁴ and of his redressing of wrongs perpetrated above all by Marwānids.¹¹⁵ Indeed the threat posed by 'Umar to the material interests of the Marwānids,¹¹⁶ together with his undisguised criticism of his Marwānid predecessors¹¹⁷ and his indication that he might well displace Yazīd b. 'Abd al-Malik from the Marwānid succession and instead opt for a *shūrā*,¹¹⁸ would appear to render the claim that he was poisoned¹¹⁹ more cogent than

Rasā'il, vol. II, pp. 580f., citing the *Iqd* and other sources). He is reported to have declared that his *ahl bayt* had no more right to *arzāq khāṣṣa* than anybody else. On his even-handed treatment of converts, see *EI* s.v. 'mawlā' section (c) and the literature cited there.

112 *Wakī', Qudāh*, vol. III, p. 33 (elegy by Muḥārib b. Dīthār). Note too the correspondence cited by Ibn 'Abd al-Ḥakam (*Sīra*, pp. 66f.) relating to a poor woman in Egypt whose chickens were being stolen.

113 Ḫafwat, *Rasā'il*, vol. II, pp. 371f. (citing Ibn al-Jawzī and other sources); Ibn 'Abd al-Ḥakam, *Sīra*, pp. 165.; Fasawī, *Mārifā*, vol. I, pp. 609f.

114 He put a stop to the *lān/shālm* of 'Alī on Umayyad *manābir* (Ibn Sa'd, *Tabaqāt*, vol. V, pp. 393f.; al-Ya'qūbī, *Ta'rīkh*, vol. II, p. 366; Bal. *Ans.* (MS), vol. II, fol. 92b; Aghānī, vol. IX, p. 258⁴), a practice which had been introduced by Mu'āwiya (*Iqd*, vol. IV, p. 366); and he returned the oasis of Fadak in the Ḥijāz to the descendants of Fāṭima (Ibn Sa'd, *Tabaqāt*, vol. V, pp. 388ff.; Ya'qūbī, *Ta'rīkh*, vol. II, p. 366; Bal., *Futūh*, p. 32; *Iqd*, vol. IV, p. 435).

115 Aghānī, vol. IX, pp. 255f. (he took over what his *lūhna* and *ahl bayt* possessed *wa-sammā a'mālahum al-mazālim*); similarly Ya'qūbī, *Ta'rīkh*, vol. II, p. 366; Ibn Abī 'l-Ḥadīd, *Sharh*, vol. XVII, p. 98 (he earned the hatred of the Marwānids on account of the *mazālim* perpetrated by them). 100 (he restored everything wrongfully in the hands of his *ahl bayt*, and he returned to a *dhimmi* from Ḥimṣ an estate which had been taken over by al-'Abbās b. al-Wāīd b. 'Abd al-Malik), 104 (he took a *qāṣī'a* away from one of the sons of Sulaymān b. 'Abd al-Malik). Apparently the Sufyānids suffered too (Ibn Sa'd, *Tabaqāt*, vol. V, p. 342).

116 They are reported to have owned half of the *anwāl al-umma* (Bal., *Ans.* (MS), vol. II, fol. 66a), or between one half and two thirds (Ibn Abī 'l-Ḥadīd, *Sharh*, vol. XVII, p. 103), which 'Umar wanted to go (at least in part) to the *bayt al-māl*. He set a formidable example with himself and his immediate family (*ibid.* pp. 99, 100f.), clamped down on 'aṭā', *diyā'* and *qāṣī'a* (Ibn Sa'd, *Tabaqāt*, vol. V, pp. 372f.) and denied the Marwānids what earlier caliphs had customarily given them (Ibn Abī 'l-Ḥadīd, *Sharh*, vol. XVII, p. 104f.).

117 Ibn Abī 'l-Ḥadīd, *Sharh*, vol. XVII, p. 103 (the Marwānids took a particular dislike to 'Umar's *ayb* of earlier caliphs/Marwānid *aylāj*).

118 In one account, the Marwānids complained to 'Umar that he was doing less for them than his predecessors had done, to which he replied that, if there was any more of that sort of talk, he would move to Medina and make 'it' (scil. the caliphate, or succession to the caliphate) *shūrā*, the man for the job (scil. of organising this) being al-Qāsim b. Muḥammad b. Abī Bakr (Ibn Sa'd, *Tabaqāt*, vol. V, p. 344); in another, he is reported to have said that, if he could have his own way, he would make 'it' *shūrā* between al-Qāsim b. Muḥammad, Sālim b. 'Abdallāh [b. 'Umar b. al-Khaṭṭāb] and [the Umayyad] Ismā'īl b. Umayya (Ibn Abī 'l-Ḥadīd, *Sharh*, vol. XV, p. 264).

119 Tab., ser. II, p. 1349 (Abū 'Ubayda); *Iqd*, vol. IV, p. 439; Ibn al-Jawzī, *Sīra*, pp. 276f.; Ibn Abī 'l-Ḥadīd, *Sharh*, vol. XVII, p. 98 (*qīlā* – probably a reference to the

Wellhausen allowed.¹²⁰ But did his policies include attention to a concept of Prophetic *sunna* which, by all accounts, had only just seen the light of day in Iraq? This is what matters in the present context, and this is also what is questionable.

For one thing, al-Tabarī knows him to have spoken of *kitāb Allāh wa-sunnat nabiyyihi* only in the traditional context of negotiation with rebels.¹²¹ Most of the passages in which he departs from the traditional pattern are suspect on the ground that they come from the earlier, but far less stringent biography of 'Umar II by Ibn 'Abd al-Ḥakam, and more particularly from the late biography by Ibn al-Jawzī (d. 597/1200). For another thing, the sources (and above all Ibn 'Abd al-Ḥakam and Ibn al-Jawzī) preserve a correspondence which is far too extensive for a caliph of so short a reign, even granted that 'Umar II may have interfered with everybody's business on an unusual scale.¹²² At least part of it must be apocryphal, and some, including some with a bearing on *sunna*, demonstrably is; indeed, the letter reproduced by Ibn al-Jawzī in which the *ahl al-sunna* are quoted on the rewards of sticking to the *sunna* is what one might call super-apocryphal without sounding any different from the rest.¹²³

report of Abū 'Ubayda). According to Abū 'Ubayda's account, Banū Marwān organised the poisoning of 'Umar because they feared that he would expropriate their *awāl* and that he would remove Yazīd from the succession, this being proposed in the course of an account where a Khārijī delegation expresses its doubts about Yazīd. On the other hand, the account given by the *Iqd* attributes the poisoning to Yazīd himself.

120 J. Wellhausen, *The Arab Kingdom and its Fall*, Calcutta 1927, p. 311.

121 And note that though others have him invoke the collocation in his last speech, what they report him as having said here is [*madāt*] *min Allāh 'azza wa-jalla kilāb nāṣiq wa-sunna 'ādila* (*Aghārī*, vol. IX, p. 267; *Iqd*, vol. IV, p. 96), i.e. both are God's.

122 'Umar II ruled for two and a half years, whereas 'Abd al-Malik and Hishām each ruled for twenty. Nonetheless, the reign of 'Umar II fills 81 pages in Ṣafwat's collection of official letters, to which the numerous letters in Ibn 'Abd al-Ḥakam (not used by Ṣafwat) should be added, whereas 'Abd al-Malik's reign fills 130 pages, from which the numerous letters not written by or to 'Abd al-Malik should be subtracted, while that of Hishām fills no more than 48.

123 It is well known that 'Umar II has been credited with an epistle against Qadarites which is extant in Abū Nu'aym's *Hilyat al-awliyā'* (edited, translated and studied by J. van Ess, *Anfänge einer muslimischen Theologie*, Beirut and Wiesbaden 1977). This epistle consists of an early text (B) and later additions (R) by a reviser who probably worked in ninth-century Khurāsān and who attributed the revised version to 'Umar II (cf. Zimmermann, 'Koran and Tradition'). The reviser quotes the *ahl al-sunna* as saying that *al-iṣlām bi'l-sunna najāh* (R3 in Zimmermann's numeration). Ibn al-Jawzī's biography of 'Umar II includes a short version of this epistle (*Ṣafwat, Rasā'il*, vol. II, pp. 360f.; referred to above, note 57). This version preserves R3-5, 10-11, but only one line of B (line m in Zimmermann's numeration), the rest being without parallel in Abū Nu'aym. In other words, an early text generated accretions and these accretions in due course swamped the text. The text having been falsely ascribed to 'Umar II, 'Umar II ended up as the author of these accretions after the text had been lost.

of the huge mass of legal traditions ascribed to 'Umar I in classical works. He is explicitly said to have modelled his policies on those of his namesake,¹³⁰ and on questions such as the fiscal status of converts the two 'Umars did indeed lay down very similar rules if we go by Ḥadīth.¹³¹ Yet 'Umar II never invokes the precedent of 'Umar I in his writings on this question. When his governors point out that his rules are bad for the treasury, that people are converting in order to escape their taxes, that they ought to be tested for circumcision, and so on, he replies that god sent Muḥammad to preach (*dā'iya*), not to collect taxes (*jābiya*) or to circumcise (*khātīna*);¹³² in other words, he responds by invoking the general example of the Prophet, not the specific rules which 'Umar I is supposed to have fixed once and for all. It would thus seem that the famous traditions enunciating these rules did not exist at the time. The same must be true of the many other traditions attributed to 'Umar I, or to the Prophet himself, on questions which 'Umar II is said to have resolved as an authority in his own right; and one story could be taken to concede as much: we are told that when 'Umar II resolved to follow the *sīra* of 'Umar I, he wrote to a grandson of that caliph for "'Umar's letters and decisions concerning Muslims and *dhimmi*s' (*kutub 'Umar wa-qadā'uhu fī ahl al-qibla wa-ahl al-'ahd*), which obviously implies that information about his administration was not generally available.¹³³ (Whether he succeeded in getting hold of them is not clear.)¹³⁴ We are also told that he disliked the caliphal role of answering questions about the law and told his governor of Basra to stop sending him people asking about the *sunna* and to ask al-Ḥasan al-Baṣrī instead ('but don't let al-Ḥasan read this letter'), yet another story to the effect that however much he may have talked about the *sunna* of the Prophet, he did not know what it was in

al-Baṣrī cites the Prophet's treatment of the Magians of Hajar to him (compare Cook, *Dogma*, pp. 99f.).

130 Cf. the references given below, note 133.

131 Cf. D. C. Dennett, *Conversion and the Poll Tax in Early Islam*, Cambridge Mass. 1950, esp. pp. 32ff., 84f.

132 Tab., ser. ii, p. 1354; Ibn Sa'd, *Tabaqāt*, vol. v, p. 384.

133 Ibn 'Abdal-Ḥakam, *Sīra*, p. 122; Ṣafwat, *Rasā'il*, vol. ii, p. 375, citing Ibn al-Jawzī, Ājurri, *Akhbār*, p. 70; cf. Ibn Sa'd, *Tabaqāt*, vol. v, p. 396; Bal., *Ans.* (MS), vol. n, fol. 75a, where he simply writes for *sīrat 'Umar*.

134 In Ibn al-Jawzī and al-Ājurri the grandson's response is a long hell-fire sermon, a reminder that 'Umar I lived in a different time and worked with different men, and advice to rely on God alone: it sounds like a refusal to comply (especially if the final *rajawī* is read *rajawīa*). But Ibn 'Abd al-Ḥakam cuts out the hell-fire sermon, and Ibn Sa'd cuts out most of the reply, including the reference to the books.

such as *al-bādī*, *al-mahdī*, *al-rashīd* and *al-amīn*, which court poets had bestowed on the Umayyads, now reappeared as regnal titles of the 'Abbāsids, now as then with a strong redemptive overtone.¹⁴² Like the Umayyads, the 'Abbāsids were the best of creation after the Prophet,¹⁴³ almost prophets themselves,¹⁴⁴ and chosen by God¹⁴⁵ to be heirs of the prophets,¹⁴⁶ but of the Prophet above all.¹⁴⁷ Unlike the Umayyads, they were also kinsmen of the Prophet,¹⁴⁸ to whose legacy they had a hereditary right,¹⁴⁹ and thus able to pride themselves

in 'A.-'A.al-Dūrī, 'al-Fikra al-mahdiyya bayna 'l-da'wa al-'abbāsiyya wa'l-'aṣr al-'abbāsi 'l-awwal' in *Studia Arabica et Islamica: Festschrift for Ihsān 'Abbās*, ed. W. al-Qādī, Beirut 1981, pp. 124, 127f.). Al-Manṣūr was likewise *Mahdī* and *Qā'im* (*ibid.*, p. 130). So was his son, *al-Mahdī* (*ibid.*, pp. 129f.; *Aghānī*, vol. III, pp. 253¹¹, 286, penult.). Hārūn was 'the one who was called *rashīd*'¹⁵⁰ *wa-mahdiyya*¹⁵¹ (Abū 'l-'Atāhiya in *Aghānī*, vol. XVIII, p. 240¹²; *Mas.*, *Murūj*, vol. II, §758 = vol. II, p. 338; cf. also *Aghānī*, vol. XVIII, p. 248¹³, where he is *al-imām al-rashīd*). Al-Ma'mūn was *al-imām al-maṣūr al-mahdī al-rashīd* (*Ṣafwat, Rasā'il*, vol. III, p. 420, ult.), and to him his predecessors were *a'īmūn rāshidīn* (*ibid.*, pp. 389, 412).

142 Cf. B. Lewis, 'The Regnal Titles of the First Abbasid Caliphs', *Dr. Zakir Husain Presentation Volume*, New Delhi 1968; and the more recent and fuller discussion in Dūrī, 'Fikra'. Nagel's views on the regnal titles of Abū 'l-'Abbās should be revised in the light of these two works (cf. *Rechleitnang*, p. 91). To the attestations mentioned by Lewis of the appellation of *al-saffāḥ* having been applied to 'Abdallāh b. 'Alī can now be added *Ajbar Machmuā*, ed. E. Lafuente y Alcántara, Madrid 1867, p. 46 (dismissed by Moscati, 'Massacre', p. 95) and Ibn 'Asākir, *Tahdhīb*, vol. IV, p. 391.

143 Cf. Goldziher, *Muslim Studies*, vol. II, pp. 55f. 'You have nothing between yourself and your lord, exalted is His name, except the *nabī al-hudā*'. as al-Mutawakkil was told (*Aghānī*, vol. X, p. 228¹⁴).

144 *Fa-ka'arrahu ba'da 'l-rasūl rasūl*, as Hārūn was told; but note that Hārūn was offended by this verse, though he generally did not mind being praised in the same terms as prophets (*Aghānī*, vol. XIII, p. 144¹⁵).

145 *Wakī'*, *Qudāh*, vol. II, p. 153, where Hārūn is *al-imām al-muṣṭafā*, as Jarīr had once characterised al-Walīd I (p. 492¹⁶); Ibn Kathīr, *Bidāya*, vol. X, p. 268, where al-Ma'mūn is told that *anīm ahl bayt iṣṭafākum Allāh min bayni'ibādihi*.

146 Cf. *Iqd*, vol. II, p. 160¹⁷–5, where al-Manṣūr is *al-āīrīh min Solomon*, Job and Joseph; *Aghānī*, vol. XI, p. 340, where a qādī protests to al-Ma'mūn by the One who *akramaka bī'l-khūūfa wa-warrathaka mīrāh al-nubuwwa*; and Tab., ser. III, p. 1112, where al-Ma'mūn states that God has made the caliphs inherit *mawārīh al-nubuwwa*.

147 B. al-'Abbās have inherited the *īrāh* of Muḥammad (*Aghānī*, vol. XX, p. 238¹⁸); the Commander of the Faithful and his family are *wārīthū 'l-nabī* (*ibid.*, vol. III, p. 293¹⁹); they have inherited *khilāfah Allāh* from *khālam al-anbiyā'* (*ibid.*, vol. XX, p. 54²⁰); God placed the *īrāh* of the Prophet with His *khālīfa* (*Iqd*, vol. IV, p. 242²¹); *al-Mahdī* was the son of the one who *waritha 'l-nabī* (*ibid.*, vol. I, p. 360²²).

148 *Ibn 'amīn al-rasūl*, *ibn 'amīn Muḥammad*, as poets would dutifully describe them (Fulayh in *Aghānī*, vol. IV, p. 360²³; Ashja', *ibid.*, vol. XVIII, p. 214²⁴; also cited in Ibn 'Asākir, *Tahdhīb*, vol. III, p. 63).

149 Notwithstanding the fact that some Syrians had been under the impression that the Umayyads were the sole relatives and legatees of the Prophet (Bal., *Ans.*, vol. III, pp. 159f; *Mas.*, *Murūj*, vol. III, §1845 = v, p. 83).

on the fact that they 'did not make the *rasūl* secondary in importance to (*dūna*) the *khalīfa*'.¹⁵⁰ But the caliphal institution and/or the caliph himself continued to be seen as guidance and light,¹⁵¹ rain (*ghayrīh*),¹⁵² a source of healing¹⁵³ and a refuge against error,¹⁵⁴ God's rope¹⁵⁵ and the pillar of Islam.¹⁵⁶ In short, the caliph remained indispensable for the attainment of salvation: he was 'the imam through obedience to whom one escapes the centre of the fire on the day of judgement', as al-Sayyid al-İfīmyarī said of al-Manṣūr.¹⁵⁷ 'He who does not take refuge with God's trustee will not benefit from the five prayers', as Hārūn and al-Mu'taṣim were told.¹⁵⁸ In a passage echoing al-Walid II's sacred history Ibn al-Muqaffa' refers to the fact that God's religion is maintained by 'His prophets, deputies and friends on earth' (*anbiyā'uhu wa-khulafā'uhu wa-awliyā'uhu fī arḍihī*);¹⁵⁹ and even a scholar such as Abū Yūsuf held that 'God. . . has instituted the holders of authority as deputies on earth and given them a light to illuminate for the subjects those of their affairs which are obscure to them and to clarify those duties about which they are in doubt'.¹⁶⁰

150 Ibn Abī 'l-Ḥadīd, *Sharḥ*, vol. xv, p. 240, citing Abū 'Uthmān (sc. al-Jāḥiẓ).

151 The caliphs are *dhawū 'l-nūr wa'l-hudā* (*Aghānī*, vol. iii, p. 294¹); they are *diyār* and *nūr* (*ibid.*, vol. v, p. 303⁴, cf. pp. 304⁹, 329¹⁴), *sirāj al-nahār* and *baṣr al-zulm* (*ibid.*, vol. vii, p. 195¹¹); they set up the beacon of guidance (*ibid.*, vol. xiv, p. 199¹⁰); they have *nūral-khilāfa* (*Iqd*, vol. i, p. 363²; vol. v, p. 91¹⁴); compare *nūr amīr al-mu'minīn* (*Şafwat, Rasā'il*, vol. iii, p. 424).

152 *Aghānī*, vol. xiii, p. 146¹² (Hārūn); compare Abū 'l-Atāhiya on the same caliph, *ibid.*, vol. xviii, p. 240²; also cited in *Mas., Murūj*, vol. ii, §758 = vol. ii, p. 337.

153 Cf. *Aghānī*, vol. v, p. 303⁴, where B. al-'Abbās are not just *diyār li'l-qulūb* and *nūr*, but also *shifā'*.

154 The grave of Ibrāhīm al-Imām in Ḳarrān was '*iṣmāt al-dīn* (*Bal., Ans.*, vol. iii, p. 126, ult., with further references). God had made the 'Abbāsids the *kahf* and *hiṣn* of His religion according to Abū 'l-Abbās (*Tab.*, ser. iii, p. 29). al-Ma'mūn was a *īṣma* to people which distinguished between *al-dalāla wa'l-rushd* (*Iqd*, vol. vi, p. 37¹⁴, where the line is attributed to Zulzul; *Aghānī*, vol. xxiii, p. 39¹, and vol. vii, p. 165¹², where it is attributed to Ibn al-Bawwāb and Husayn b. al-Daḥbāk respectively, and where *mukhayyira* has been replaced by *mumayyiza*). Al-Wāthiq was also a *īṣma li'l-khalq* (*Aghānī*, vol. vii, p. 159⁷). And al-Mu'tazz held that God had made *khilāfatuhu li-dīnihi īṣmāt* (above, chapter 2, note 31).

155 For al-Mutawakkil, see the reference given above, chapter 3, note 128. For al-Manṣūr's description of the caliphate as *ḥabīl Allāh al-maṭīn wa-'ūrwa-tuhu 'l-kushqā*, see *Tab.*, ser. iii, p. 447.

156 Abū 'l-Atāhiya in *Aghānī*, vol. xx, pp. 301², 302¹¹, 304^{16.28}, 305¹ (*yā 'amūd al-Islām*).

157 *Wakī'*, *Qudāh*, vol. ii, p. 71.

158 Cf. above, chapter 3, note 49.

159 *Şafwat, Rasā'il*, vol. iii, p. 54, citing Ibn Tayfūr's unpublished *Ikhlāṣār al-manzūm al-manthūr*.

160 Abū Yūsuf, *Kitāb al-kharāj*, ed. I 'Abbās, Beirut, Cairo and London 1985, p. 71. There is a full translation of this passage in Goldziher, *Muslim Studies*, vol. ii, p. 68; Lambton, *State and Government*, p. 56; B. Lewis, *Islam from the Prophet*

Like the Umayyads, Abū Yūsuf perceived the guiding light in legal terms, its main function being to maintain the *hudūd*, uphold rights and re-establish good practices instituted by righteous men (*iḥyā' al-sunan allatī sannaha al-qawm al-sāliḥūn*),¹⁶¹ a statement apt to suggest to the unwary that the relationship between caliphate and law had scarcely changed.

There are indeed passages in which the 'Abbāsids speak of Prophetic *sunna* in its traditional sense of acceptable practice. Like Yazīd III, they owed their power to a revolt which had involved a call to the book of God and the *sunna* of the Prophet;¹⁶² and like him, they referred to this fact on their accession: they would rule their subjects in accordance with the book of God and the *sīra/sunna* of the messenger of God, Dāwūd b. 'Alī said, speaking on behalf of Abū 'l-'Abbās.¹⁶³ This clearly meant that they pledged themselves to adherence to what their subjects perceived to be justice, not to observance of a Prophetic *sunna* embodied in Ḥadīth: the followers of the 'Abbāsids had made an oath of allegiance on justice (*'adl*), as Sharīk b. Shaykh paraphrased it,¹⁶⁴ or on the observance of justice and the re-establishment of good practices (*iqāmat al-'adl wa-iḥyā' al-sunan*), as Ziyād b. Ṣāliḥ put it.¹⁶⁵ When, on the death of Abū 'l-'Abbās, 'Isā b. 'Alī said that 'God honoured him with His caliphate and re-established the *sunna* of the Prophet through him', we are hardly to take it that the *sunna* of the Prophet stood for anything concrete.¹⁶⁶ The expression is also used in its pre-classical sense elsewhere.¹⁶⁷

Nonetheless, it is clear that *sunna* as exemplified in Ḥadīth was

Muhammad to the capture of Constantinople, New York etc. 1974, vol. 1, pp. 154f.; A. Ben Shemesh, *Taxation in Islam*, vol. III, Leiden and London 1969, p. 38.

161 *Ibid.*

162 Cf. above, note 9.

163 Tab., ser. III, p. 31 (*sīra*); Ya'qūbī, *Tarīkh*, vol. II, p. 420 and Ibn Abī Ḥadīd, *Sharīk*, vol. VII, p. 154 (*sunna*). The two terms were practically synonymous at the time (Bravmann, *Spiritual Background*, pp. 134ff.; Bravmann's opinion that *sīrat Rasūl Allāh*, 'the procedure/practice of the Prophet', had not yet acquired the meaning of 'biography of the Prophet' is corroborated by the fact that Ibn Isḥāq's biography of the Prophet was not originally known as *sīrat Rasūl Allāh*, cf. the article by Hinds referred to below, note 207).

164 Bal., *Ans.*, vol. III, p. 171.

165 Bal., *Ans.*, vol. III, p. 168.

166 Bal., *Ans.*, vol. III, pp. 186f.

167 Note in particular *Iqd*, vol. IV, p. 240¹²⁻¹³, where Muḥammad b. 'Abd al-Malīk al-Zayyāt states that caliphs have a right to *lā'a* and *nashī'a* from their subjects, while the subjects have a right to *'adl*, *ra'sa* and *iḥyā' al-sunna al-sāliḥa* from the caliphs.

something with which the 'Abbāsids had to coexist from the start. Abū Muslim had been confronted with Pharisaic *ashāb al-ḥadīth* who wished to test his knowledge of *fiqh* on his appearance in Khurāsān;¹⁶⁸ and when government came to be conducted from Iraq, it soon became a matter of public knowledge that people there professed to have discovered what *sunna* was in concrete terms. Seen through the eyes of al-Maṇṣūr, this comes across as an exciting development in scholarship with a minor political pay-off. Already before his accession, we are told, he 'had roamed the earth . . . written [down] ḥadīth and acted as a transmitter in mosques';¹⁶⁹ and after his accession too he 'remained well known for seeking *ilm*, *fiqh* and *āthār*'.¹⁷⁰ He displayed particular interest in such *sunan* as the scholars could trace back to his own ancestors: thus the Meccan scholar Ibn Jurayj, who was short of cash, was lucky to have in his possession an unrivalled collection of *ḥadīth* *Ibn 'Abbās*;¹⁷¹ and the *mashād yikh* of Banū Hāshim self-consciously donned rose-coloured (*muwārrad*) robes of *ihrām* when performing the pilgrimage in accordance with a tradition in which 'Alī, acting as spokesman of the Hāshimites, puts 'Umar in his place on questions of *sunna*.¹⁷² *Fuqahā'* had accompanied Abū Ja'far and other Hāshimites on a journey to Abū Muslim in Khurāsān on the accession of Abū 'l-'Abbās;¹⁷³ and when Abū Ja'far had become al-Maṇṣūr, he admitted Ibn Ṭahmān, the author of a book on *sunan fi ḥ-fiqh*, to his *majlis* and paid him an allowance.¹⁷⁴ But *pace* Nagel, none of this seems to have influenced his concept of the caliphal office or his style of government.¹⁷⁵ In public al-Maṇṣūr apparently never referred to

168 *Bal.*, *Ans.*, vol. III, p. 132.

169 al-Maqdīsī, *Kitāb al-bad' wa'l-ta'rīkh*, ed. C. Huart, Paris 1899-1919, vol. vi, p. 90. To al-Maqdīsī, a Mu'tazilite, this was one of al-Maṇṣūr's bad qualities.

170 *Bal.*, *Ans.*, vol. III, p. 183.

171 *Khaṭīb, Baghādād*, vol. x, p. 400. Note that al-Maṇṣūr was not ordinarily interested in *isnāds*, which he dismissed as otiose *ḥashw* (vol. x, p. 404).

172 *Tab.*, ser. iii, p. 452; compare al-Shāfi'i, *Kitāb al-uṣūl*, Būlāq 1321-6, vol. II, p. 126^{1st}; Ibn Bābūya, *Man lā yahdūruhu l-saqīh*, ed. H. M. al-Kharsān, Tehran 1390 shamsī, vol. II, p. 215; we owe the last two references and our understanding of the first to Michael Cook.

173 *Bal.*, *Ans.*, vol. III, p. 151, cf. 155.

174 *Khaṭīb, Baghādād*, vol. vi, p. 110; Ibn al-Nadīm, *Fihrist*, ed. R. Tajaddud, Tehran 1971, p. 284. On Ibn Ṭahmān, see now M. T. Mallick, 'Life and Work of Ibrāhīm b. Ṭahmān (a Traditionist of 2nd/8th Century)', *Journal of the Pakistan Historical Society* 24 (1976). Mallick believes that his *Kitāb al-sunan* is to be identified with his *Kitāb al-mashyakha* (for which see *Revue de l'Institut des Manuscrits Arabes* 22 (1976), pp. 241-300; subsequently republished with fuller apparatus in Damascus 1983 by *Majma' al-lughā al-'arabiyya*).

175 Cf. Nagel, *Rechtsleistung*, esp. pp. 91ff. Nagel also wrongly conveys the impression

the *sunna* of the Prophet, the Companions or others, nor does he seem to have quoted *ḥadīth* to his subjects. *Innamā anā sultān Allāh fī arḍihī*, 'I am simply the authority of God on His earth', he said, echoing Umayyad statements to the same effect.¹⁷⁶ To him, as to his Umayyad predecessors, obedience to God's deputy on earth was the beginning and end of the matter.¹⁷⁷

It must be said that al-Manṣūr's stance was surprisingly nonchalant, especially in view of the fact that he had been warned by Ibn al-Muqaffā'.¹⁷⁸ In his *Risāla fī'l-ṣahāba* Ibn al-Muqaffā' refers to the *kitāb* and *sunna* on several occasions, usually in tandem, but without leaving any doubt that both were now regarded as autonomous sources of law.¹⁷⁹ *Sunna* is here something exemplified in *aiḥār*, 'traces' or 'past decisions';¹⁸⁰ more precisely, it is precedents attested for the Prophet or the *a'immat al-hudā* after him (whoever they may be), as opposed to rulings by the Umayyads, whom Ibn al-Muqaffā' dismisses as mere *amīrs*.¹⁸¹ Now contrary to what one might have expected, Ibn al-Muqaffā' was not worried by the fact that private

that the *sunna* in which al-Manṣūr was interested was Prophetic in the technical sense of the word. One *muḥaddith* did quote a Prophetic tradition to him (Bal., *Ans.*, vol. m, p. 262), while another invoked the Prophet's example (*ibid.*, p. 200); but neither Ibn Ṭahmān's *sunna fī'l-fiqh* nor Ibn Jurayj's collection of *ḥadīth b. 'Abbās* necessarily went back to the Prophet (though Ibn Ṭahmān's *Kitāb al-mashyakha* does contain a good deal of Prophetic *ḥadīth*); and the *muwarrad* clothes were based on the authority of 'Alī. Nagel also sees proof of al-Manṣūr's esteem for the *sunna* in a line supposedly uttered by him on the death of the proto-Mu'tazilite 'Amr b. 'Ubayd: 'when men disputed about a *sunna*, he made the *ḥadīth* plain with wisdom and elegance' (*Rechleitning*, p. 100). But leaving aside the fact that this line is missing from the version of the poem given in the *Fīhrīs* (p. 203; contrast Ibn Qutayba, *Uyūn*, vol. 1, p. 209), 'Amr b. 'Ubayd is more likely to have been a Qur'ānic fundamentalist than a believer in the validity of *ḥadīth* (and the *dāna bī'l-Qur'ān* of the poem has been mistranslated by Nagel); and *sassala 'l-ḥadīth* presumably means no more than that he spoke clearly.

176 Tab., ser. iii, p. 426; Bal., *Ans.*, vol. III, p. 268; *Iqd*, vol. iv, p. 99, with special reference to the fact that in that capacity he was treasurer of God's *māl* and *shay'*.

177 Cf. Tab., ser. iii, p. 404. It is thus hard to accept the claim that 'the main feature of [al-Manṣūr's] policy was to establish "Orthodoxy" based on the Qurān and the *Sunna*' (F. Omar, *Abbāsiyyāt*, Baghdad 1976, p. 132).

178 Cf. S. D. Goitein, *Studies in Islamic History and Institutions*, Leiden 1966, ch. 8; E. I. J. Rosenthal, *Political Thought in Medieval Islam*, Cambridge 1968, pp. 72ff.

179 Ibn al-Muqaffā', *Risāla fī'l-ṣahāba*, ed. C. Pellat under the title *Ibn al-Muqaffā'*, "Conseiller" du Calife, Paris 1976, §§17, 25, 35, 55.

180 Ibn al-Muqaffā', *Risāla*, §§17, 37. In his glossary Pellat suggests that Ibn al-Muqaffā' used the word *aiḥār* to include both scriptural and non-scriptural precedent, and §17 could be taken to suggest this; but in §37 he speaks of *shay'* *ma'thūr min al-salaf*, which can scarcely include the Qur'ān. To translate *aiḥār* by 'disposition scriptuaire' as if it had nothing to do with tradition does seem a bit extreme.

181 Ibn al-Muqaffā', *Risāla*, §35.

scholars had engaged in the definition of the law: this he simply took for granted, yet another indication that the scholars had been active for some time. But he was alarmed by the failure of the caliph to intervene in their work. In the absence of caliphal control, he said, the law was both arbitrary and lacking in uniformity, which was true enough: a story set in Kufa about this time has a man receive three different answers to the same simple question from three different Kufan *faqīhs*.¹⁸² Accordingly, Ibn al-Muqaffa' said, the caliph should review these conflicting rules, draw up a code of the ones which he endorsed, forbid adjudication on the basis of the discarded ones, and leave it to his successors to revise the code from time to time.¹⁸³ This would have restored to the caliph control over most of the law.

An early Andalusian source claims that al-Mansūr commissioned the *Muwaṭṭa'*, a short legal manual, from the Medinan jurist Mālik b. Anas,¹⁸⁴ while other sources say that he (or al-Mahdī, or Hārūn) resolved to impose the *Muwaṭṭa'* on his Muslim subjects as the sole authoritative legal work, only to be dissuaded by Mālik on the ground that differing legal practices were too developed at the local level for such a measure to be politic or even feasible.¹⁸⁵ A similar objection was raised by Mālik in a report in which al-Mansūr is said to have told him, 'I should like to unify this *'ilm* so that I can have it recorded and sent to the army commanders and judges in order that they [may] make themselves acquainted with it. He who later on acts contrary to it, I shall have him beheaded!': Mālik's response was that any attempt to divert people from their local ways of doing

182 *Wakī'*, *Qudāh*, vol. III, p. 46. The three legal experts were Abu Ḥanīfa, Ibn Shubrūma and Ibn Abī Laylā.

183 Ibn al-Muqaffa', *Risāla*, §36.

184 'Abd al-Malik b. Ḥabib (d. 853 or 854), *Ta'rīkh*, MS Bodley, Marsh. 288, p. 167 (*amārāku bi-wad' muwaṭṭa'ihī*), cited by M. J. Kister, 'On "Concessions" and Conduct: a Study in Early *Hadīth*' in G. H. A. Juynboll (ed.), *Studies on the First Century of Islamic Society*, Carbondale and Edwardsville 1982, pp. 93, 220²⁰.

185 al-Ṭabarī, *al-Muqrakhab min kitāb dhayl al-mudhayyal min ta'rīkh al-ṣahāba wa'l-tābi'īn* in his *Ta'rīkh*, ser. III, p. 2519 (Ibn Sa'd from al-Wāqidi). In Ibrāhīm b. Ḥammād's report cited *ibid.* the caliph is al-Mahdī and the *Muwaṭṭa'* is not referred to by name. In al-Ghazālī, *Iḥyā' 'ulūm al-dīn*, Cairo 1282, vol. I, p. 24, the caliph is Hārūn and Mālik invokes the Prophetic tradition *ikhtilāf al-ummā rahmā* (cited by Goitein, *Studies*, p. 164n). Further examples are cited in A. Amin, *Duḥā 'l-Islām*, vol. I, Cairo 1933, pp. 210f. Schacht dismissed these reports as anecdotes (EJ¹, s.v. 'Mālik b. Anas', col. 206b) expressing Muslim rejection of the same Persian idea of codification which he claimed to discern behind Ibn al-Muqaffa's advice ('Foreign Elements in Ancient Islamic Law', *Journal of Comparative Legislation*, third series, 32 (1950), parts III and IV, p. 17; *Mémoires de l'Académie Internationale de Droit Comparé* 3 (1955), part IV, p. 140).

things would be regarded as *kufr*.¹⁸⁶ Now if al-Manṣūr did commission or select the *Muwaṭṭa'* as a first step in following the advice of Ibn al-Muqaffa', then the choice was a poor one: Mālik was no substitute for a panel of jurists such as that brought together by Justinian for the codification of Roman law (a point which Mālik himself in effect makes in the reports just referred to);¹⁸⁷ and in practice, and for whatever reason, neither al-Manṣūr nor his successors implemented the advice by promulgating a sole authoritative code of the realm. The possibility that al-Manṣūr felt too insecure in his power for so momentous an undertaking¹⁸⁸ is not inconsistent with Mālik's reported view that it would be seen as *kufr*. It may also be that he simply did not realise that his power was being undermined, though it should be noted that Ibn al-Muqaffa' was not the only person to give warnings of danger: thus Mūsā b. 'Isā al-Kisrawī, a contemporary of Ibn al-Muqaffa', wrote a book 'on the inconsistencies of those who maintain that *qādīs* do not have to abide by the instructions of the imams and caliphs in their performance of their official duties'.¹⁸⁹ Whatever the truth of the matter, the newly developed concept of *sunna* scarcely impinged on his conduct of public affairs.

Given its importance to al-Manṣūr as a cultural phenomenon and to Ibn al-Muqaffa' as a political one, it is not however surprising that the new concept of *sunna* went public under al-Manṣūr's son and successor, al-Mahdī. According to the vizier Abū 'Ubaydallāh, God had made al-Mahdī 'the one who conducts the affairs of His servants and His lands, and the bringer to life of His *sunan*';¹⁹⁰ in a verse by Marwān b. Abī Ḥafṣa, it is the Prophet's *sunna* rather than God's *sunan* that al-Mahdī revives;¹⁹¹ and in the estimation of Mu'arrij al-Sadūsī, it was al-Mahdī's own *sunan* which were worthy of fame.¹⁹²

186 Juynboll, *Muslim Tradition*, p. 63, citing Ibn Abī Ḥātim, *Taqdimat al-maṣīfa li-kitāb al-jāḥi wa'l-ta'ālīl*, Hyderabad 1952, p. 29.

187 Note particularly al-Ṭabarī, *Muqtabās*, p. 2519, where Mālik says that he has done his best in the Maghrib, while al-Shām has had al-Awzā'ī, and as for the people of Iraq, *fa-huwa aḥi al-Irāq*.

188 As suggested by Crone, *Slaves on Horses*, p. 70.

189 *Kitāb munāqadāt man za'ama an lā yaṣbaghiya an yaqṣadiya 'l-quḍāḥ fī maqdīmihim bī l-a'imma wa'l-khūlāsā*, *Fīhrīs*, p. 142; first adduced by Schacht, 'Classicisme', p. 159n; compare *īqdā*, vol. i, p. 98¹⁻⁴ where 'Umar II says that *iqlidā' bī l-a'imma* is one of the qualities necessary in a perfect *qādī*.

190 Ṣafwat, *Rasā'il*, vol. III, p. 167, citing Ibn Tayfur, *Kitāb al-maṣūm wa'l-maṣīḥ*.

191 Aghānī, vol. x, p. 89. Goldziher was of the opinion that this poem could not have been dedicated to any Umayyad, except 'Umar II (*Muslim Studies*, vol. II, p. 56); we must beg to differ.

192 Above, chapter 4, note 68; the examples given specify his *rodd al-mazālim* and his allocation of various kinds of stipend.

All this is very much in keeping with the Umayyad way of speaking: God's *sunna* is that represented by His Prophet and perpetuated by His caliph, *sunna* meaning little more than what is right. But the Umayyads had not been in the habit of speaking quite so much about *sunna* as were the 'Abbāsids, and al-Mahdī himself made it clear that he envisaged Prophetic *sunna*, at least in part, as something exemplified in Ḥadīth: in a letter dated 159, composed by the vizier Abū 'Ubaydallāh and concerned with the descendants of Ziyād b. Abīhi, he secured for himself the distinction of being the first 'Abbāsid caliph on record as having cited Prophetic tradition in a public statement.¹⁹³ In adopting Ziyād b. Abīhi as his brother, he said, Mu'āwiya had contravened the book of God and the *sunna* of the Prophet and failed to observe a *sunna hādiya* and *qudwa mādiya* coming from the imams of truth (a highly charged term which here seems to designate those who had transmitted the precedents in question), namely the Prophetic rule that the child belongs to the marriage bed and the Prophetic prohibition of fictitious kinship ties; both traditions are cited in full, though without *isnāds*.¹⁹⁴ In the following year al-Mahdī once more cited Prophetic Ḥadīth in a public letter, this time one addressed to the Khārijite 'Abd al-Salām al-Yashkūrī: in withdrawing his obedience from the caliph and in slandering 'Alī, he said, 'Abd al-Salām had disobeyed God and His Prophet, there being a *yaqīn rādīn wa-ḥadīth ṣādiq* from the Prophet stating that 'everyone whose master I am has 'Alī as his master too'.¹⁹⁵ We leave aside what particular motives al-Mahdī may have had for according so emphatic a public recognition to the *sunna* which his father had cultivated on the side:¹⁹⁶ We take it that if al-Mahdī had not done so, one or the other of his successors would soon have done something similar.

Al-Mahdī having taken the lead, however, Hārūn certainly followed suit. This caliph appointed as his chief *qādī* (apparently the first of the kind) the Ḥanafī Abū Yūsuf, a scholar who composed for him the famous work in which the *sunna* on taxation is illustrated with reference to some 300 traditions going back to various early figures,

193 Tab., ser. iii, pp. 479ff.

194 *Al-walad lī'l-firāsh* (cf. Schacht, *Origins*, pp. 181f.); *man iddā'ā ilā ghayr abīhi aw iṣṭamā ilāghayr man kāfi fa-alayhi lā'na Allāh, etc* (cf. Crone, *Roman, Provincial and Islamic Law*, ch. 2).

195 *Khalīfa. Tārīkh*, p. 702.

196 This question was discussed by M. Hinds in 'The Early 'Abbāsid Caliphs and Sunna', a paper presented at the colloquium on the study of Ḥadīth, Oxford 1982; Hinds hopes to publish the relevant part in modified form elsewhere.

including the Prophet, that is the *Kitāb al-kharāj*.¹⁹⁷ And *suqahā'* now seem to have formed a regular cadre of the state apparatus, in which capacity their duties included accompanying the caliph on pilgrimage and witnessing the signing of important documents,¹⁹⁸ as well as answering such queries from *qādīs* as the caliph continued to receive;¹⁹⁹ apparently, they even had their own uniform.²⁰⁰ In his letter of appointment to Harthama b. A'yan, governor of Khurāsān, Hārūn stated that Harthama should make the book of God his guide in everything he did;²⁰¹ if in doubt, he should consult the local experts in God's book and the *fiqh* of God's religion, or alternatively refer the matter to his imam, that is Hārūn himself, so that God might show the latter His opinion.²⁰² In other words, legal experts who had made their appearance outside the state apparatus now took precedence over the God-inspired state itself. In the last year of his reign Hārūn corresponded with Ḥamza al-Khārijī, a colourful rebel in Sīstān whom he called to the book of God and the *sunna* of the Prophet in the traditional fashion.²⁰³ Ḥamza responded by pointing to the book of God and His (sc. God's) *sunan*: Ḥamza was a Qur'ānic fundamentalist,²⁰⁴ to whom guidance was incarnate partly in the frozen form of a book and partly in the ongoing form of the 'way of those guided by God in their hearts'.²⁰⁵ Ḥamza thus subscribed to the old doctrine that guidance was available here and now (except that it was not available from caliphs in his view). Hārūn, by contrast, made it plain that *sunan hādiya* which the Prophet had

197 Abū Yūsuf's attitude to *Hadīth* as a source of law in this work is discussed by A. Ben Shemesh, *Taxation in Islam*, vol. III, Leiden and London 1969, pp. 1ff., who does however exaggerate the number of traditions in question (see the index in the edition by I. 'Abbās).

198 They witnessed the document of *amān* for the Ḥasanid Yaḥyā b. 'Abdallāh in 176 together with judges and Ḥāshimites (Tab., ser. III, p. 614; cf. also *Kitāb al-'uyūn*, p. 293). They took part in the drawing up and witnessing of the solemn documents of succession during the pilgrimage of 186, again together with judges and others (Tab., ser. III, pp. 654; *Kitāb al-'uyūn*, p. 304). Every time al-Rashid went on pilgrimage he was accompanied by a hundred *suqahā'* and their sons (Tab., ser. III, p. 741).

199 Cf. Waki', *Qudāh*, vol. II, p. 142.

200 Cf. Aghānī, vol. VI, p. 291 (*kāna ya'iannu bi-'imāma sawdā' 'alā qalansuwwa ḥawīla wa-yalbasu libās al-suqahā'* . . . *aqbala Abū Yūsuf al-qādī bi-ash'hābihi ahl al-qalānis*).

201 Tab., ser. III, p. 717.

202 *Li-yuriyahu Allāh 'azza wa-jalla ra'yahu.*

203 Scarcia, 'Scambio', p. 634.

204 Scarcia, 'Scambio', p. 636; cf. above, note 34.

205 *Sabīl man hadā'llāh qalbahum* (Scarcia, 'Scambio', p. 636; we are indebted to Zimmermann, 'Koran and Tradition', note 140, for our understanding of Ḥamza's position).

made clear were to be found in Ḥadīth from him and other figures of the past.²⁰⁶ In this interchange 'Abbāsid history has come full circle: an 'Abbāsid is here calling to the book of God and the *sunna* of the Prophet in the sense of something authenticated by Ḥadīth, whereas the rebel speaks the language which the 'Abbāsids themselves had spoken in the past.

From Hārūn onwards, references to the *sunna* of the Prophet in its classical sense become commonplace in 'Abbāsid statements, and this is scarcely surprising. By 767 the classical account of the Prophet's life, Ibn Ishāq's *Maghāzī*, had been written,²⁰⁷ while at the same time the classical schools of law were under formation: Abū Ḥanīfa died in 150/767, Mālik in 179/795, and by the reign of al-Ma'mūn, al-Shāfi'ī had formulated his jurisprudential doctrine. Given that the 'Abbāsids had failed to control all this, they had to toe the line.

It might be argued that they could toe the line with impunity until al-Shāfi'ī's doctrines had won acceptance. It is plain that pre-Shāfi'īte *sunna* was what Schacht called 'living *sunna*' rather than a dead one, that is to say it was the putative practice of the Prophet as continued by later generations rather than one sealed in the lifetime of the Prophet himself. *Sunna* was defined by the Prophet and later *a'immat al-hudā/qawm ṣāliḥūn*, as Ibn al-Muqaffa' and Abū Yūsuf said,²⁰⁸ and a great deal of it was still *sunna* in the sense of being *ra'y rashīd*. In principle the imams of guidance/righteous people could well have continued to include 'Abbāsid caliphs on a par with scholars, and the 'Abbāsids could thus have continued to be seen as following the *sunna* of their pious forebears all while establishing their own very

206 Cf. Zimmermann, 'Koran and Tradition', note 140. In his comment on the paper by Hinds at the colloquium for the study of Ḥadīth, Oxford 1982, Zimmermann pointed out that since Ḥamza's letter is a line-by-line riposte to Hārūn's his rejection of *sunna* as authenticated by Ḥadīth suggests that Hārūn subscribed to it, and that Hārūn in fact refers to a Ḥadīth in this letter, however implicitly. Hārūn invokes the Qur'ānic statement that obedience to the Prophet equals obedience to God (Qur. 4:81), continues by referring to God's book and the *sunna* *hādiya* which Muḥammad had made clear, and concludes by inviting Ḥamza to obey the book of God and the *sunna* of His messenger by obeying the caliph. This presupposes that obedience to the caliph equalled obedience to the Prophet, and thus also to God, suggesting that Hārūn had in mind the tradition cited by Abū Yūsuf to the effect that he who obeys the imam obeys the Prophet (*Kharāj*, p. 80).

207 Cf. M. Hinds, "'Maghāzī' and 'Sīra' in Early Islamic Scholarship' in *La vie du prophète Mahomet, Colloque de Strasbourg (octobre 1980)*, Paris 1983, on the original title of Ibn Ishāq's work.

208 Cf. above, notes 161, 181.

much as the Umayyads had done: it was only with al-Shāfi'i that *sunna* ceased to be something which could be made here and now.

In practice, however, this argument is not correct. On the one hand, living *sunna* was not very alive, or rather it was only alive to scholars. Whoever Ibn al-Muqaffa'a's *a'imma* *al-hudā* may have been,²⁰⁹ Abū Yūsuf's *qawm sālihūn* included no caliph later than 'Umar II, while the last caliph to be cited as an authority on law in the *Muṣannas* of 'Abd al-Razzāq (d. 211/826) is Hishām.²¹⁰ No 'Abbāsid caliph is invoked as an authority in legal Ḥadīth, the incomparable nature of al-Mahdī's *sunan* notwithstanding.²¹¹ The fact that the Umayyads had to be expunged from the record (with the exception of 'Uthmān and 'Umar II) was bad for such sense of caliphal law as survived: in principle the 'Abbāsids could have made living *sunna*, but in practice the canon of caliphal law had been closed. It was only scholars such as Abū Ḥanīfa or the aptly named Rabī'at al-Ra'y who were still in a position to institute *sunan*, and for such scholars al-Shāfi'i's theories were indeed a threat. But for the caliphs, they did not make much difference.

On the other hand, even living *sunna* was very detailed. It was easy enough for the Umayyads to follow the *sunna* of David, Solomon, the Prophet or past caliphs, given that the *sunan* in question rarely had much concrete existence; it was an altogether different matter to follow or restore the *sunna* of the Prophet and the early caliphs once Ḥadīth had got underway. Having been deprived of the authority to institute new *sunan*, the 'Abbāsid caliphs also found that the past which they were supposed to imitate consisted of narrowly defined rules, not of vague ancestral practice compatible with any interpretation which they might wish to put on it. In practice, their hands had thus been tied.

To this must be added the point mentioned already, viz. that since Prophetic *sunna* was defined in the main by private scholars rather than by public servants, its rules were frequently and indeed intentionally unhelpful to the state. This is not to say that the scholars

²⁰⁹ Presumably the only non-'Abbāsid caliph recognised as legitimate by the 'Abbāsids at this stage was 'Ali, suggesting that the *a'imma* included persons other than caliphs, e.g. worthy forebears of the dynasty such as Ibn 'Abbās. But here as elsewhere in the *Risāla*, Ibn al-Muqaffa'a is prudently vague.

²¹⁰ 'Abd al-Razzāq, *Muṣannas*, vol. x, no. 18298.

²¹¹ The nearest we get to it is Kindī, *Governors*, p. 370, where Ibn Lahī'a, an Egyptian judge, says that al-Manṣūr wrote to him saying *annatiū lā yajūzu/yujawwīzu lī'l-hāmi'l ṣadaqa*²¹² 'alā wārith (sic). However this is to be understood, it clearly represents the Commander of the Faithful as an authority of law; but no Ḥadīth collection saw fit to include it.

advocated disobedience to the caliph; on the contrary, Ḥadīth is quietist. But though the subjects had to obey the caliph, the caliph in his turn had to abide by rules which in matters such as taxation, penal law, the fixing of prices and the like committed him to a policy very different from what he might otherwise have had in mind: humane though it is, Abū Yūsuf's *Kitāb al-kharāj* could scarcely be recommended as a *rational* approach to the problem of taxation. Naturally the caliph could ignore the *sunna* and he frequently did; but what is a deputy of God who is forced to contravene God's law?

The scholarly conception of Prophetic *sunna* was thus a threat to caliphal authority from the moment of its appearance. The only way in which the caliphs could have survived with such a law would have been by reserving the right to act as its ultimate arbiters, or in other words by selecting from the works of the scholars such rules as they wished to recognise, depriving the rest of validity, very much as Ibn al-Muqaffa' had suggested. Though al-Maṇṣūr did not apparently respond to his proposal, there are suggestions that both he and other caliphs saw themselves as arbiters of this kind not so much as caliphs, but rather as kinsmen of the Prophet (a quality which the Umayyad caliphs had conveniently lacked). As has been seen, al-Maṇṣūr displayed a special interest in Ḥadīth transmitted to and from Ḥāshimites. Al-Mahdī explained that in his capacity as kinsman of the Prophet he had restored the *sunna* ignored by Mu'āwiya²¹²; on another occasion he settled a question concerning the *sunna* of moustaches with reference to a tradition going back, via his father and grandfather, to Ibn 'Abbās.²¹³ Similarly al-Ma'mūn explained that of all people who followed the *sunna* of the Prophet he was the best equipped to act in accordance with it, partly because of his position in God's religion [sc. his being *khalīfat Allāh*], partly because of his succession to Muḥammad [sc. his being *khalīfat rasūl Allāh*] and partly because of his kinship with the Prophet.²¹⁴ But though the 'Abbāsids would assert their special position *vis-à-vis* the *sunna* in connection with this or that policy of theirs, they never claimed to have ultimate control of the law as such, nor could they have done so without reclaiming the entirety of spiritual authority once vested in the caliphate. The law was the sum total of God's guidance, not merely matters of relevance to courts, for all that Ibn al-Muqaffa' only considered it as such in his *Risāla*: it dealt with every aspect of

²¹² Cf. above, note 193.

²¹³ Waki'. *Qudāh*, vol. II, p. 130.

²¹⁴ Bai', *Futūh*, p. 32, cited by Ṣafwat, *Rasūl*, vol. III, p. 509.

On the face of it al-Ma'mūn sought his resources for a restoration of caliphal authority in Shīism, first by designating the eighth imam of the Imāmī Shī'ites as his successor, and next by assuming for himself the prerogatives of this imam, displaying the religious authority which he had won thereby in the institution of the *mīḥna*.²¹⁸ But though the erosion of the original concept of the caliphate within mainstream Islam on the one hand and the Hāshimite descent of the 'Abbāsids on the other both predisposed al-Ma'mūn to seek a Shī'ite aegis for his ventures, it was in fact an Umayyad caliphate which he tried to restore (just as it was an Umayyad Dome of the Rock which he tried to claim for himself in Jerusalem).

It may admittedly be argued that his designation of 'Alī al-Riḍā had little or nothing to do with his concept of caliphal authority: a recently uncovered document claims that he nominated the 'Alid in the belief that the end of the world was at hand.²¹⁹ If this is accepted, there is no question of regarding his choice of al-Riḍā and his institution of the *mīḥna* as two different strategies towards the same objective of regaining religious authority for the caliphate. In return his choice of al-Riḍā would highlight the threadbare nature of 'Abbāsid legitimacy after the fourth civil war: for if the caliph thought that he could only avert wholesale massacre of his kinsmen on the day of judgement by handing over to an 'Alid, then the caliph himself had evidently stopped believing that the 'Abbāsids had a right to rule. Loss of legitimacy and loss of religious authority went hand in hand under the Umayyads and the 'Abbāsids alike: the designation of al-Riḍā might be a reaction primarily to the former, the institution of the *mīḥna* primarily to the latter. But there is reason to be sceptical about this claim, for it was precisely in connection with the designation of al-Riḍā that Umayyad concepts of the caliphate resurfaced. Thus the title of *khalīf al-Allāh* returned to the coinage, its first reappearance there being on coins issued in al-Riḍā's name; and the message behind this come-back can hardly have been other than that the title was now meant to be taken as seriously as it had been in the days of 'Abd al-Malik: *Muhammad rasūl Allāh, al-Ma'mūn khalīf al-Allāh*, as the inscriptions proclaim, neatly restoring the old parity between

218 Cf. F. Gabrieli, *al-Ma'mūn e gli 'Alidi*, Leipzig 1929; D. Sourdel, 'La politique religieuse du calife 'abbaside al-Ma'mun', *Revue des Études Islamiques* 30 (1962); Patton, *Aḥmed ibn Ḥanbal and the Mīḥna*; W. Madelung, 'New Documents concerning al-Ma'mūn, al-Fadl b. Sahl and 'Alī al-Riḍā' in *Studia Arabica et Islamica: Festschrift for Ihsān 'Abbās*, ed. W. al-Qādī, Beirut 1981.

219 Madelung, 'New Documents', pp. 343ff.

messenger and deputy.²²⁰ And at the same time al-Ma'mūn made heavy use of Umayyad epistolary style in the letter he sent out from Khurāsān announcing his choice of al-Riḍā as his successor.

This letter, of which we offer a translation in appendix 4, is so close to that of al-Walīd II in terms of both structure and terminology that one suspects that it was directly modelled thereon (and al-Walīd II is in fact known to have sent a copy of his to Khurāsān).²²¹ Like al-Walīd II, al-Ma'mūn begins with a review of sacred history divided into an era of prophets and another of caliphs. The era of prophets began when God chose Islam as His own religion and sent messengers with it until in due course the prophethood reached Muḥammad, who here as in al-Walīd's letter preaches the same as all the previous prophets and completes God's message to mankind. The era of the caliphs began when, on Muḥammad's death, God set up the caliphate for the maintenance of His *farā'iḍ* and *ḥudūd* and the *sharā'i'* and *sunan* of Islam, as well as for the conduct of *jihād*. As in al-Walīd's letter this is followed by a section stressing the importance of obedience to God's *khalīfa*, though al-Ma'mūn has less to say about this than does al-Walīd and, unlike him, also refers to the caliph's responsibilities in respect of his subjects. Here as there the caliphate is something which brings together the disunited, while the covenant of succession is a refuge and part of the completion of Islam. Both caliphs stress that they have had no greater preoccupation than the succession since their accession, and both conclude with a paragraph on the benefits which will arise from giving allegiance. Leaving aside Qur'ānic citations not used by al-Walīd and the circumstantial detail regarding al-Riḍā and the 'Abbāsid retinue, al-Ma'mūn's letter differs significantly from that of al-Walīd only in that it refers to the *kitāb/kitāb Allāh* and *sunna/sunnat nabiyyihi*, as well as to the *sunan* of Islam, where al-Walīd speaks only of the *sunna* of God, and further in that it cites a tradition, more precisely a Companion tradition (from 'Umar I) on the responsibility of caliphs for their subjects. The message is otherwise precisely the same as that of al-Walīd: it is through the caliphs that God's ordinances are maintained. The letter

²²⁰ Cf. above, chapter 2, note 26. According to Shaban, *Islamic History*, vol. II, p. 47, al-Ma'mūn gave the caliphal title 'a twist to signify that the ruler was God's deputy on earth, instead of the simple earlier meaning of successor' in order to give his authority 'greater semblance of religious function'. But al-Ma'mūn did not twist the title, and his use of it was clearly far more programmatic than Shaban suggests: whatever interpretation one adopts of his religious policy, he certainly did not intend simply to beautify the caliphate with some religious cosmetics.

²²¹ Cf. appendix 2, p. 117.

thus amounts to a restoration of the Umayyad concept of the caliphate rather than to preparation for the end of the world.

The failure of the experiment with al-Riḍā notwithstanding, al-Ma'mūn remained faithful to this concept. The caliph observes God's book and protects the legacy of the prophets (once more in the plural), as well as the *ḥarīm al-dīn*, as we are told by al-Ma'mūn's secretary, once more in terms reminiscent of al-Walīd's; he is *al-qā'im bi-ḥaqiqihi*, the one who undertakes God's right'.²²² And al-Ma'mūn reaffirmed this point on his institution of the *mīḥna*. 'God has made it incumbent upon the imams of the Muslims, their caliphs, to strive for the maintenance of the religion of God with which He has entrusted them, the heritage of prophethood of which He has made them legatees, and the transmission of knowledge which He has committed to their care . . .', he said, this time spelling out the implications thereof in no uncertain terms: 'the Commander of the Faithful knows that the great multitudes, the mass of insignificant folk and vulgar public who in all regions and countries are without insight and deep reflection . . . are people ignorant of God and too blind to see Him . . . because of the weakness of their views, the deficiency of their understanding and their turning aside from reflection and recollection'.²²³ Through the *mīḥna* al-Ma'mūn thus intended to resume the old caliphal role of curing spiritual blindness. But the *mīḥna* was a failure too. Ibn Abī Du'ād was no substitute for al-Farazdaq, and the vulgar masses did not want the cure: under the leadership of Ibn Hanbal they rejected caliphal guidance in religious matters once and for all.

222 *Safwat, Rasā'il*, vol. III, p. 398, citing ʻAbmad b. Yūsuf in *Ikhriyār al-manzūm wa'l-manthūr*.

223 Tab., ser. III, pp. 1112f.; Patton, *Aḥmed Ibn Hanbal*, p. 57.

who transmit his traditions and his *sunna*, teaching them to the people, in a Ḥadīth familiar to Sunnīs and Shī'ites alike.¹³ But the caliphal title was apparently too closely associated with political power for this evolution to be completed.

In the case of the heretics, however, there was nothing in al-Ma'mūn's failure to force them to change their views on the caliphate; or rather there was nothing therein to force them to change their *theoretical* stance regarding this institution. In practice the caliphate ceased to matter much to the majority of Sunnīs and Shī'ites alike. The Sunnīs having stripped the head of state of his religious authority, the Shī'ites lost such real interest in replacing him with an imam of their own as they had managed to retain so far, devoting themselves to the elaboration of their own law and doctrine instead; only utopianists such as the Ismā'īlīs refused to concede that political power and religious authority had parted company for good. But in *principle* the imam of the Imāmīs and their Ismā'īlī offshoot alike remained both head of state and spiritual fountainhead. That the Imāmī conception of the caliphate should be seen as an archaism rather than an innovation has been suggested already, and the case for this view may now be summarised as follows.

First, the Imāmīs and Ismā'īlīs identify the legitimate head of state as deputy of God on earth.¹⁴ They also identify him as the Prophet's successor: like the 'Abbāsid caliph, the imam is *khalīfa li'l-lāh ta'ālā fī khalīqatihī wa-li-rasūlihi fī ummatihī*,¹⁵ and given the descent of the imams from the Prophet, this is as one might expect. Both sects generally prefer the title of *imam* to that of *khalīfa*, possibly because the deputy of God is Qur'ānically associated with bloodshed, and thus fallibility,¹⁶ but undoubtedly also because he is historically

13 al-Ṯāmūrī, *al-Muḥaddith al-fāṣil bayna 'l-rāwī wa'l-wā'i*, ed. M. 'A. al-Khaṭīb, Beirut 1971, p. 163; Ibn Bābūya, *Ma'ānī'l-akhbār*, ed. 'A. A. al-Ghaffārī, Tehran 1379, p. 375 (omits the teaching).

14 Cf. the references given above, chapter 2, notes 57, 59–62.

15 Ahmad b. Ya'qūb, *Risāla*, fol. 86v. Compare above chapter 2, p. 16 (Hārūn); notes 53 (al-Mutawakkil), and 58, 59 (other Imāmī and Ismā'īlī examples of the imam as the Prophet's successor).

16 This was certainly an embarrassment to Shī'ite no less than Sunnī exegetes (cf. above, chapter 2, note 5). Thus al-Ṭūsī finds it necessary to stress that the angelic comment regarding bloodshed does *not* refer to the behaviour of prophets and infallible imams, but rather to that of the rest of mankind, mankind being the *khalīfa* (successor) announced by God in this verse (al-Ṭūsī, *al-Tibyān fī tafsīr al-Qur'ān*, ed. A. H. Qaṣīr al-Āmīlī and A. Sh. al-Amīn, Najaf 1957–63, vol. II, pp. 131, 134, ad 2:28); alternatively, the angels were referring to the behaviour of the *jinn* who had previously occupied the earth (*ibid.*, p. 132; similarly al-Qummi, *Tafsīr*, ed. T. al-Muṣawī al-Jazā'īrī, Najaf 1386–7, vol. I, pp. 36f., where the *khalīfa* is however resolutely identified as God's *ḥujja* on earth).

associated with real control of the entire Muslim world.¹⁷ Just as no separatist ruler could be a caliph, so a purely theoretical ruler could only aspire to be one; when the Fātimids officially proclaimed themselves caliphs, it was precisely with a view to bringing the entire Muslim world under their sway.¹⁸ But however this may be, the point of significance here is that both sects apply to their own rulers a title first securely attested for 'Uthmān. Clearly, they took over this title as Muslim *Gemeingut*.¹⁹

Secondly, the imams of the Imāmīs and Ismā'īlīs are intrinsic to the attainment of salvation. Like the Umayyad and early 'Abbāsid caliphs they are *a'immat al-huda*²⁰ and imams of justice²¹ who guide people away from perdition,²² God guiding people through them;²³ and like them, they are and/or maintain the waymarks and beacons of truth and guidance,²⁴ being light,²⁵ shining suns, guiding stars,

17 Just as 'Alī is the only *amīr al-mu'minīn* in Imāmī literature, so he tends to be the only *khalīfa*. In principle all twelve imams were caliphs: the Prophet himself predicted that there would be twelve caliphs after him (Ibn Shahrāshūb, *Manāqib*, vol. I, pp. 251f.). But in practice this is forgotten, for we are also told that there have only been four caliphs on earth, Adam, David, Aaron and 'Alī: those who deny that 'Alī is the fourth are in for a nasty surprise on the day of judgement when it is announced that 'Alī is *khalīfat Allāh fi ardīhi* (*ibid.*, vol. II, pp. 261f.).

18 Khārijite or Zaydī breakaways never adopted the caliphal title, be it because they rejected it altogether or because they felt it would have been nonsensical; it was clearly because it would have been nonsensical that the Spanish Umayyads initially failed to do so: the Fātimids had to devalue the title before they adopted it, and it was felt to be an empty one even after they had done so (cf. F. Gabrieli, 'Omayyades d'Espagne et Abbāsides', *Studia Islamica* 31 (1970), pp. 98ff.; and note the absence of caliphal *sainéance* here). Admittedly, it was felt to be an empty one primarily because the Spanish Umayyads did not control the holy places rather than because they did not control the entire Muslim world; conversely, it was control of these places rather than world dominion which gave the Ottoman caliphate a certain plausibility, just as it is control of the same places which gives the Sa'ūdī monarchs a quasi-caliphal role today (as noted by M. Ruthven, *Islam in the World*, Harmondsworth 1984, p. 30). But leaving aside the fact that this is likely to be a secondary development, the imams of the Imāmīs were not rulers anywhere at all: they merely resided in Medina.

19 On a par with the title *amīr al-mu'minīn*, said first to have been adopted by 'Umar.

20 See for example Kulaynī, *Kāfi*,

no. 2: 125 and *passim*; Tyan, *Sultana*, p. 515n.

21 Cf. Umm al-Khayr on 'Alī in Ḥabbī, *Wāfidār*, p. 29; *Iqd*, vol. II, p. 117; and Qalqashandī, *Ṣubḥ*, vol. I, p. 250. See also Kulaynī, *Kāfi*, vol. I, p. 178; Mu'ayyad, *Dīwān*, no. 16:7.

22 Kulaynī, *Kāfi*, vol. I, p. 200.

23 Nu'mān b. Bashīr, *Shī'r*, no. 22:26; Kulaynī, *Kāfi*, vol. I, p. 176.

24 Kulaynī, *Kāfi*, vol. I, pp. 182, 203; Ḥabbī, *Wāfidār*, p. 67, on 'Alī (also in *Iqd*, vol. II, p. 102); Mu'ayyad, *Dīwān*, no. 12:22; Ibn Shahrāshūb, *Manāqib*, vol. II, pp. 293, 297.

25 See for example Kulaynī, *Kāfi*, vol. I, pp. 194f., 200; Mu'ayyad, *Dīwān*, nos. 11:36; 12:22; 13:18 and *passim*; cf. also U. Rubin, 'Pre-existence and Light, Aspects of the Concept of *Nūr Muḥammad*', *Israel Oriental Studies* 5 (1975).

lamps and the like, which dispel darkness²⁶ and make the blind see,²⁷ salvation being essentially a matter of finding the right path.²⁸ They are pillars of the religion,²⁹ rain (*gayīh*)³⁰ and life to mankind;³¹ they heal;³² they are the rope of God to which one should cling³³ and a refuge for His servants.³⁴ The imam is God's trustee (*amīn Allāh*)³⁵ and somebody who stands between God and His creation.³⁶ Whoever dies without allegiance to such an imam dies a *Jāhilī* death according to Shī'ite no less than Sunnī Ḥadīth;³⁷ without faith in the imams one does not count as a believer.³⁸ 'He who does not hold fast to God's trustee will not benefit from the five prayers' is a line which, though originally addressed to *Hārūn al-Rashīd*, appears in Imāmī literature on 'Alī too.³⁹

Thirdly, the imam of the Imāmīs and Ismā'īlīs occupies the same role *vis-à-vis* the law as did the Umayyad caliph. The imam 'makes

26 Kulaynī, *Kāfi*, vol. I, pp. 196, 200, 204; Kumayt, pp. 64, 149 = 46, 101 (nos. 2:110; 5:27); cf. also p. 15 = 12f. (no. 1:54); Ahmad b. Ya'qūb, *Risāla*, fol. 101v.; Mu'ayyad, *Dīwān*, no. 4:50; 52:4-6.

27 Mu'ayyad, *Dīwān*, no. 1:152.

28 For particularly striking passages illustrating this point, see Kulaynī, *Kāfi*, vol. II, pp. 182, 208; Ahmad b. Ya'qūb, *Risāla*, fol. 84r.-85r.

29 Kulaynī, *Kāfi*, vol. I, p. 204 (*dā'īm al-Islām*); Kumayt, p. 2 = 3, no. 1:5 (*qawā'id al-Islām*).

30 Kulaynī, *Kāfi*, p. 200; Kumayt, pp. 3, 9, 99 = 3, 7, 71 (no. 1:7, 27; 3:97); cf. p. 154 = 105 (no. 6:18).

31 Kulaynī, *Kāfi*, vol. I, p. 204.

32 Kumayt, pp. 3, 4 = 3, 4 (no. 1:9, 11); Mu'ayyad, *Dīwān*, no. 37:43).

33 Cf. Ibn Shahrāshūb, *Manāqib*, vol. II, pp. 273f., where several traditions identifying the imams as *ḥabīl Allāh* and *al-urwa al-wuthqā* are brought together.

34 Kulaynī, *Kāfi*, vol. I, p. 200 (*maṣra' li'l-ibād*); compare Kumayt, p. 3 = 3 (no. 1:7), where they are a *ma'wā* for the guardians of orphans; Ibn Bābūya, *Mā'ni*, p. 371, where *walāyat 'Alī* is *ḥisn Allāh*; Mu'ayyad, *Dīwān*, no. 2:125, where they are '*īṣma man tādha bīhim min al-radā*'; compare also nos. 4:22; 36:5; 59:42.

35 Kulaynī, *Kāfi*, vol. I, p. 200 (*amīn Allāh fi khalqihī*); cf. pp. 223, 291, where the same is said of Muhammad and 'Alī; similarly Ibn Shahrāshūb, *Manāqib*, vol. I, p. 212; vol. II, p. 257; Tyan, *Sultānat*, p. 514n, citing Hāni' on al-Mu'izz as *amīn Allāh hayna 'ibādihī*.

36 *Yaqūmu maqām Allāh bayna 'ibādihī*, as al-Mu'ayyad put it (*Dīwān*, n. 37:25). But there does not appear to be any Umayyad precedent for the term *hujja*; and the well known Imāmī and Ismā'īlī notion that God never leaves mankind without a *hujja* (i.e., a prophet or an imam) is only implicit in the Umayyad material.

37 Kulaynī, *Kāfi*, vol. I, pp. 376f.; Ibn Shahrāshūb, *Manāqib*, vol. I, p. 212, with a verse by [al-Sayyid] al-Ḥimyarī paraphrasing this tradition; Nu'mān, *Dā'īm*, vol. I, nos. 43, 48f.; Ahmad b. Ya'qūb, *Risāla*, fol. 83r.; Strothmann, *Staatsrecht der Zaiditen*, p. 5.

38 Kulaynī, *Kāfi*, vol. I, p. 180; compare Ibn al-Ḥajjāj in Ibn Shahrāshūb, *Manāqib*, vol. III, p. 302: *anra 'l-imām alladhi law-lā walāyatuhu mā shahha si'l-adl wa'l-tawhīd mu'taqadī*. Cf. also Ahmad b. Ya'qūb, *Risāla*, fol. 99r.

39 Ibn Shahrāshūb, *Manāqib*, vol. II, p. 257, where it is cited as from an anonymous poet (*wa-qāla shāfir ākhar*) in a section on Ghadīr Khumm. For its authorship and original context, see chapter 3, note 49.

known what is forbidden and what is allowed';⁴⁰ he 'allows what God has allowed, forbids what God had forbidden, maintains God's *hudūd* and defends God's religion',⁴¹ and in him is 'the completion of the prayer, *zakāt*, fasting, pilgrimage and *jihād*, the augmentation of the booty and the alms taxes, the execution of the *hudūd* and *aḥkām*, and the defence of the borders and outlying areas'.⁴² In Imāmī and Ismā'īlī Hadith it is the imams who appear as authorities just as it is Umayyad caliphs who appear as such elsewhere.⁴³ Jarīr's 'were it not for the caliph and the book he recites, people who would have no judgements established for them, and no communal worship' it so utterly Shī'ite in sentiment that the Shī'ites could have claimed him as one of their own if all his most Shī'ite sounding poetry had not been uttered in praise of Umayyads.

Finally, the imam of the Imāmīs and Ismā'īlīs is distinguished from the rest of mankind in various ways also attested for the Umayyads. Thus he is superior to all other people, ranking below prophets only.⁴⁴ The Umayyads wrongly claim such superiority, al-Kumayt says, just as they wrongly claim to have inherited the power which they have in fact usurped.⁴⁵ Like the Umayyad caliph, he is rightly guided. Thus 'Alī was *al-imām al-hādī al-rashīd*⁴⁶ and *imāmunā al-mahdī*.⁴⁷ He was *hādiyyān mahdiyyān*,⁴⁸ an expression also used in a satirical vein of al-Ḥusayn,⁴⁹ who was *al-mahdī ibn al-mahdī* to his

40 Kulaynī, *Kāfi*, vol. i, p. 178; cf. Kumayt, p. 11 = 9 (no. 1:34, where they are *muḥīlūn wa-muḥrimūn*), and the poem in Ibn Sharāshūb, *Manāqib*, vol. iii, p. 275 (*lā yakum al-saḥrūm wa'īl-saḥrūl*).

41 Kulaynī, *Kāfi*, vol. i, p. 200; cf. Ibn Babūya, *Ma'ānī*, p. 133 (*inna 'llāh... farada 'alayhi iqāmar al-ḥudūd*).

42 Kulaynī, *Kāfi*, vol. i, p. 200.

43 And note that the imams too are presented as having settled legal points in response to petitions submitted to them by private persons: 'one of our companions wrote a petition (*kitāb*) to Abū Ja'far the Second, asking him about a man who has unlawful intercourse with a woman... He wrote in his own hand and with his own seal... (Kulaynī, *Kāfi*, vol. vii, p. 163; compare above, chapter 4, p. 47).

44 Ibn al-Ḥanafīyya was *ibn khayr al-nas bāda 'l-nabī* (Kuthayyir 'Azza in Ibn Sa'd, *Tabaqāt*, vol. v, p. 107); the Ḥāshimites were superior to *al-nās kullikim* (Kumayt, p. 58 = 42, no. 2:87).

45 Kumayt, p. 41 = 33 (no. 2:37f.; cf. 2:28). Compare above, chapter 3, p. 31.

46 Ibn Shahrāshūb, *Manāqib*, vol. ii, p. 302.

47 Ibn Shahrāshūb, *Manāqib*, vol. ii, p. 296.

48 Ḥabbī, *Wāfiḍāt*, p. 24 (also cited in *Iqd*, vol. ii, p. 109¹⁰; and Qalqashandī, *Ṣubḥ*, vol. i, p. 258, with the addition that he guides with his light). The Prophet also described 'Alī as such (Ibn al-Athīr, *Uṣd al-ghāba fī mārifat al-ṣahība*, Cairo 1285-6, vol. iv, p. 31). Ḥujr b. 'Adī asked God to make 'Alī *hādiya ummati mahdiyyān* (Naṣr b. Muẓāhib, *Waqāt Ṣifīn*, p. 381).

49 *Aqdim hūdīla hādiyyān mahdiyyān fa'l-yawm alqad jaddaka 'l-nabīyya*, as a member of the government troops at Karbalā' is supposed to have said (Tab., ser. ii, p. 350).

followers.⁵⁰ Zayd b. 'Alī was *mahdī* too.⁵¹ So of course was Ibn al-Ḥanafīyya in the opinion of Mukhtār, and he was perhaps the first *Mahdī* in the sense of a specific and long-awaited redeemer figure, though Sulaymān and 'Umar II were soon to follow suit,⁵² as were other 'Alids in due course. But all the imams were *mahdiyyūn* according to the *Ismā'īlīs*.⁵³ Still, most Shī'ite literature being late, the epithet *mahdī* is here less commonly used of the imams than of the redeemer at the end of time, as it is in classical Sunnī literature too. Further, the imam shares with Umayyad caliphs the quality of *musahham*, made to understand on a par with Solomon in the Qur'ān.⁵⁴ He also had superhuman knowledge,⁵⁵ and in this respect he is better endowed than his Umayyad counterpart, who only had superhuman *ra'y*.⁵⁶ He is also divinely protected against error (*ma'sūm*), and in this respect too he is better endowed than the Umayyads, who nonetheless came close to acquiring the same quality. Thus, as has been seen, the Umayyad caliphate was a 'iṣma against error to which one should hold fast as one holds fast to God's rope;⁵⁷ 'Abd al-Malik was *ma'sūm min khaṭal al-qawl wa-zalal al-fīl*;⁵⁸ and 'Ubaydallāh al-'Anbarī spoke to al-Mahdī of *al-khulafā'* al-

50 Tab., ser. ii, pp. 546.

51 Mas., *Murūj*, vol. iv, §2222 = v, p. 470; *Ṭqd*, vol. iv, p. 483¹²; al-Mubarrad, *al-Kāmil*, ed. W. Wright, Leipzig 1864-92, p. 710; Maqrīzī, *Nizā'*, p. 5; Ibn 'Asākir, *Tahdhīb*, vol. iv, p. 426, where a pro-Umayyad poet says that 'I never saw a *mahdī* crucified on a tree trunk.'

52 Cf. *EI*¹, s.v. 'al-mahdī', col. 112b. Ibn al-Ḥanafīyya was the *Mahdī* foretold by Ka'b al-Āḥbār according to Kuthayyir 'Azzā (Aghānī, vol. ix, p. 16). For Sulaymān, see above, chapter 3, p. 36; he was the *Mahdī* foretold by the Torah and the Psalms and by rabbis and soothsayers (Farazdaq vol. i, p. 327⁴⁻⁶). For 'Umar II, whose physical features foretold that he was the *Mahdī*, see below, appendix 1, p. 114.

53 Aḥmad b. Ya'qūb, *Risāla*, fol. 101r.

54 *EI*², s.v. 'imāma', p. 1167a; Kulaynī, *Kāfi*, vol. i, pp. 270f.; E. Kohlberg, 'The Term *Muḥaddath* in Twelver Shi'ism' *Studio Orientalia Memoriae D. H. Barnek Dedicata*, Jerusalem 1979, p. 40v. For the Umayyads, see the references given above, chapter 4, note 13. The Imāmīs seem to have forgotten the Qur'ānic origin of the term *musahham*. In *Muṣīd*, *Irshād*, pp. 140f., we are told that 'Alī judged after the manner of David, that is 'according to inspiration' (*ilhām*, on which see Kohlberg, *op. cit.*, p. 40); but there is no reference to David and Solomon in their definitions of *musahham*.

55 *EI*², s.v. 'imāma', p. 1167a. Their *ilm* is mentioned already by al-Kumayl (p. 7 = 6, no. 1:22; it is a gift from the Omniscient).

56 Cf. the references given above, chapter 4, notes 92-3.

57 Cf. above, chapter 3, pp. 38f.

58 Cf. the reference given above, chapter 4, note 96. Compare also *anma bāda fa-aṣlaḥa 'llāh amīr al-mu'minīn... wa-aṣma lāhu dīnahu* (Abū Bakr b. Ḥazm to 'Umar II in Ibn Sa'd. *Tabaqāt*, vol. v, p. 390); *wa-amīr al-mu'minūn y'as'ulū 'llāh al-iṣmā' wa'l-sawfiq* (Hishām in Tab., ser. ii, p. 1749); *wa-bi'llāh sawfiq amīr al-mu'minūn wa-iṣmālūhu* (al-Ma'mūn in Ṣafwat, *Rasā'il*, vol. iii, p. 509).

mu'tasam bihim wa'l-ma'sūmūn, though the *khulafā'* in question were scholars rather than rulers.⁵⁹ Popular sentiment in Umayyad Syria had it that whoever had been caliph for three days would escape hell fire,⁶⁰ God counting only the good deeds of a caliph, not the bad ones,⁶¹ a sentiment which might easily have issued in a denial of the existence of the uncounted deeds. For all that in Sunnī Islam *'isma* is reserved for prophets,⁶² it was hardly the Imāmīs who invented the concept. It is conspicuously absent from al-Kumayt's poetry, and when it makes its appearance elsewhere, it is defined with reference to the same Qur'ānic verses to which the Umayyads and their poets had alluded.⁶³ Even so, it was undoubtedly more important for the Imāmīs than for adherents of the Umayyads to exempt the imams from error and sin, given that the *ahl al-bayt* were Qur'ānically defined as purified.⁶⁴

'We are two families of Quraysh who will be worshipped instead of God, we and Banū Umayya', Ibn al-Hanafiyya is supposed to have said.⁶⁵ Early Muslims thus recognized that though adherents of the Umayyads and the Hāshimites sponsored different at one in their conception of the caliphate itself. It is because the same concept of the caliphate was involved that opportunistic poets could praise Umayyads and Hāshimites in exactly the same terms.⁶⁶ The

59 Cf. the reference given above, note 10. Compare *wa-bihim i'tasamtu min sharr Sawwār* (Al-Sayyid al-Himyarī to al-Maṣṣūr with reference to Banū Aḥmad in *Wakī'*, *Qudāh*, vol. II, p. 77); *inna qawmā min 'ibād Allāh adrakātum 'ismat Allāh* (al-Ma'mūn in *'Iqd*, vol. IV, p. 107¹⁵). *Al-hamdū li'l-lāh alladhi ja'ala... al-'isma li-awliyā'ihi* (al-Mu'tasim in *Qalqashandī*, *Šubh*, vol. VI, p. 400).

60 Tab., ser. II, p. 1747, where the caliph Hishām refers to *al-hadīth alladhi rawāhu 'l-nās* to this effect, saying that he will stop believing in it if al-Walīd (II) is to be caliph.

61 *'Iqd*, vol. I, pp. 70f., where al-Walīd I cites a *hadīth yuhaddithunā bihi ahl al-Shām* to this effect and concludes (with the help of al-Zuhri) that 'people are seducing us from our religion'.

62 *EI*², s.v. 'iṣnīa'.

63 Ibn Bābūya, *Ma'āni*, p. 132: when 'Alī b. al-Ḥusayn is asked what is the meaning of *al-ma'sūm*, he replies *huwa 'l-nu'māsim bi-habī Allāh wa-habī Allāh huwa 'l-Qur'ān* (cf. 3:98), while Hishām b. al-Hakam in response to the same question adduces 3:96.

64 Cf. Qur., 33:33: *innamā yuridu 'llāh li-yudhhiba 'ankum al-rijs ahl al-bayt wa-yuṣahhirkum tashhūrā*. Cf. Tab., ser. II, p. 1715, where al-Sayyid al-Himyarī describes Zayd b. 'Alī as *al-muṣahhar*; Kūlāyī, *Kāfi*, vol. I, p. 200, where the imam is *muṣahhar min al-dhunūb*. (The imam is also pure (*muṣaffā*, *muhadhdhab*, *maḥd*) in Kumayt, but only with reference to genealogy, cf. pp. 55, 83 = 41.61, nos. 2:79; 3:37.)

65 Ibn Sa'īd, *Tabaqāt*, vol. V, p. 94 (two versions); Ghazālī, *Fadā'ih*, p. 206.

66 Thus al-Farazdaq praised Zayn al-Ābidīn and the *ahl al-bayt* as the best of the *ahl al-ard*, the imams of pious people, rain, light illuminating darkness and a refuge (al-Farazdaq, *Diwān*, Beirut 1960, vol. II, pp. 178ff.; the poem, which is

he was no more of an absolutist ruler than the Messenger had been, and contemporaries could hardly have anticipated that the nature of the state was soon to change.

Change it did, however. As the conquests slowed down on the one hand and the number of Muslims increased on the other, the former conquerors increasingly found themselves reduced to subjects deprived of a say in the running of public affairs. In principle, of course, nobody could possibly object to delegating public affairs to a representative of God Himself on earth: Imāmī literature eloquently describes how wonderful it would be to do precisely that. But in practice it amounted to a total surrender of power to a ruler who was by definition always in the right; and the sheer might of the caliphate both forced and tempted the Umayyads to make increasing use of this power over and above the frequently impossible and certainly always contradictory wishes of their subjects. In short, when the Deputy began to wield the power ascribed to him, this power was felt to be oppressive: once the initial sense of exhilaration was over, constitutional crises were bound to set in.⁷²

Now from one point of view one might have expected the ultimate outcome of these crises to have been a rejection of absolutist rule for some sort of consultative government, or in other words the creation of institutional checks on the exercise of caliphal power. The widespread insistence that the caliphate be elective (*al-amr shūrā*), the endless demands for observance of *kitāb* and *sunna*, good practice and past models, the constant objections to Umayyad fiscal policy, and the general readiness to take up arms against what was perceived to be oppressive rule, all these are features indicative of so stubborn a determination to keep government under control that one might have credited it with a good chance of success. But from another point of view it is not of course surprising that no representative bodies ever did emerge. The caliph's resources were far too massive for anyone to have much leverage against him. Mu'āwiya paid careful attention to consultation with the tribal nobility, and all caliphs had to engage in a certain amount of horse-trading in order to have their successors accepted; but no caliphs had to negotiate in order to get revenue, taxes being paid overwhelmingly by non-Muslims. Practically everyone of importance in the Umayyad state

adopted after the conquest of the Fertile Crescent had begun; this point too is discussed in appendix I.

72 We owe the term 'constitutional crisis' and all the thought which it suggests to Dr F. W. Zimmermann.

owed the bulk of his income to *dhimmīs* too, but through the intermediary of the state; disputes over fiscal policy were accordingly disputes over the distribution of public revenues among those entitled to a share, not over the allocation of the tax burden among those obliged to pay.⁷³ The tribal nobility did have political power independently of the state in the form of tribal followings, but these were ephemeral assets under conditions of settlement in the urbanised and socially stratified Middle East, and by the second half of the Umayyad period this nobility had duly begun to disappear from the public scene.⁷⁴ Owing both their power and their income to the state, the generals and governors who replaced it were even less likely to win concessions from the caliph, as Yazīd b. al-Muhallab discovered at the cost of his life. In short, for all the activism bequeathed by the Arab tribal past, the leverage which medieval dukes and barons had against the impoverished kings of western Europe simply was not available.

Even if activism had sufficed to put shackles on the caliph, it is hard to believe that the outcome would have been other than political collapse. On the one hand, an area so huge as that controlled by the Umayyads could scarcely be held together for any period of time by any form of government other than the imperial one towards which the Umayyads were moving; and on the other hand, the tribesmen and ex-tribesmen who made up their subjects were so unruly that throughout most of the period repressive government in the style of al-Hājjāj was required for the maintenance of a semblance of order. To this should perhaps be added that the opponents of absolutism rarely proposed any concrete form of machinery for the limitation of power. Yazīd III declared himself willing to step down if he failed to implement his programme and/or a more suitable candidate could be found, but he did not say who was going to review his progress or how they were to proceed if they deemed it to be poor. Khārijite

73 For the nature of such disputes in the first civil war, at the beginning of the Umayyad period, see M. Hinds, 'Kūfan Political Alignments and their Background in the Mid-Seventh Century A.D.', *International Journal of Middle East Studies* 2 (1971); *id.*, 'The Murder of the Caliph 'Uthmān'. For their nature in the third civil war, at the end of this period, see the accession speech by Yazid III summarized above, chapter 5, p. 63. Taxation was not an issue except in so far as it related to *dhimmīs* (especially *dhimmīs* trying to gain recognition as Muslims, cf. Wellhausen, *Arab Kingdom*, ch. 5); and as far as Yazid III was concerned, over-taxation of *dhimmīs* was of political importance only in so far as it led to de-population of the lands on which his Muslim adherents were dependent for their income.

74 Cf. Crone, *Slaves*, chs. 5, 7.

works also disregard all practical problems posed by Khārijite political ideals; there is a total lack of institutional machinery behind the Muslim concept of consensus; and pre-Mongol Muslim society is in general characterized by a predominance of informal over formal organization. Still, we are not entirely sure about the relevance of this point. By the late Umayyad period al-Ḥārith b. Surayj and Naṣr b. Sayyār had a good idea of how to set up a *shūrā*, and so apparently did Yazīd III himself: all parties involved designated men of integrity to act as electors.⁷⁵ Representative bodies could presumably have developed from these modest beginnings if the opportunity had been there. The fact that the opponents of caliphal absolutism ended up by satisfying themselves with purely theoretical propositions may thus be a straightforward result of the caliphal ability to ignore their demands.

Given that the caliph's exercise of power could not be controlled, the opponents of Umayyad absolutism had two courses of action open to them. On the one hand, they could oppose the ruling dynasty in the belief that government would cease to be oppressive if there was a change of personnel. This was the course adopted by various followers of the *ahl al-bayt* such as the *shī'a* of the 'Abbāsids and 'Alī; and the remarkable fidelity of the Imāmīs to the original conception of the caliphate turns on the fact that they never put their belief to the test: had Ja'far al-Ṣādiq been so unwise as to let himself be elected caliph in the aftermath of the 'Abbāsid revolution, even his adherents would soon have repented of their views.⁷⁶ Alternatively, the opponents of caliphal absolutism could limit the area affected withdrawing from caliphal control all matters of religious significance, above all the definition of God's law. This was the solution adopted by the future Sunnīs, and its feasibility turns on the fact that rulers cannot in fact shape the beliefs and private lives of their subjects unless the latter believe they have a right to do so. Caliphal power thus remained absolutist, but it affected politics alone. Of course, given that the Sunnī solution deprived the caliph of a say in the definition of the law all while insisting that he abide by this law, it could be said that the scholars succeeded in turning an absolutist

75 cf. above, chapter 5, note 49.

76 He was invited by Abū Salama to participate in a *shūrā*, but wisely declined (C. Cahen 'Points de vue sur la "Révolution 'abbāside"', *Revue Historique* 230 (1963), p. 330). Ismā'īlism did of course survive the creation of an Ismā'īlī state, but not on the whole among the subjects of this state: the Berbers of North Africa were soon disillusioned, and the Egyptians chose never to convert.

monarch into a constitutional one.⁷⁷ But in the absence of machinery for the protection of the constitution, they only did so in a purely theoretical sense: in constitutional theory the caliphate was an elective office too, for all that it was plainly hereditary in practice. But though caliphal absolutism remained, the victory of the scholars had profound political effects.

The historically significant point is that a ruler who has no say at all in the definition of the law by which his subjects have chosen to live cannot rule those subjects in any but a purely military sense. When the Jews elaborated their all-embracing religious law, it was precisely with a view to surviving as a community of their own under alien rulers, their own state having been lost. When the Muslims took refuge in a similar law, the state from which they had distanced themselves likewise had to be manned with outsiders in order to go on. In Hindu India, where brahmanic dominance similarly led to the formation of an all-embracing holy law withdrawn from royal control, the state became practically redundant.⁷⁸ In all three cases the prevailing attitude to power was one of quietism: rulers must be obeyed whether they are right or wrong, observant of the law or not. From this point of view no ruler could complain of the laws in question. But rulers were obeyed as outsiders to the community, not as representatives of it, except (in Islam) in their performance of ritual duties such as leadership of the prayer or conduct of *jihād*, the latter being an activity particularly apt to restore moral continuity between the ruler and his subjects. The state was thus something which sat on top of society, not something which was rooted in it; and given that there was minimal interaction between the two, there was also minimal political development: dynasties came and went, but it was only the dynasties that changed.

From the point of view of the political development of the Islamic world, the victory of the *'ulamā'* was thus a costly one. A less stultifying solution to the problem posed by God's deputy on earth would have been a division of labour whereby all law of public relevance remained with the Deputy, while private and ritual law passed to scholars willing to collaborate with him, a situation familiar from elsewhere.⁷⁹ But where all aspects of life are covered

77 We owe this point to Dr F. W. Zimmermann.

78 Cf. J. Hall, *Powers and Liberties*, Oxford 1985, ch. 3.

79 Such a division of labour was characteristic of Rome before the Dominate and of pre-modern continental Europe. In classical Greece and China the state also took over a limited area of the law, though no private scholars emerged to take over the rest.

by a single sacred law, such a solution is impossible. God's law was indivisible, and collaboration between His rival representatives was ruled out until one or the other side had won. (There were of course collaborative scholars such as *Abū Yūsuf*; but such scholars tended to lose their standing among their peers.)⁸⁰ As it was the '*ulamā'* won. Islamic history would certainly have been different, more dynamic in political terms if the Deputies had managed to defeat them. The fact that all aspects of life were rolled together in a single God-given packet in the Islamic view of things was of crucial importance for the formation of a new civilisation in an area in which civilisation cannot be said to have been in short supply; the same fact lies behind the ideological intransigence of Islam *vis-à-vis* the Western world today. It is a fact which throughout history has given Islam extraordinary powers of survival; but at the same time it has always interfered with the capacity of Muslims to organize themselves.

80 cf. Goitein, 'Attitudes towards Government in Islam and Judaism' in his *Studies*, pp. 205f.

it was 'Alī who was *imām al-ḥaqq*,⁹ and so on.¹⁰ The fact that al-Ḥuṭay'a's verse is unflattering to Abū Bakr is not of course a guarantee of its authenticity; Abū Bakr is not always clearly identified elsewhere as a head of state; and at any rate an influential politician could well have been turned into a head of state by Marwānid times as long as nobody had an interest in remembering otherwise (as did the Umayyads in the case of Ṣifīn). But in the absence of positive evidence for the conjecture, there is too much to explain away.

There are nonetheless some suggestive passages in which Abū Bakr seems to have been forgotten. Thus, as mentioned already, Yazīd b. al-Muhallab spoke of 'Umar, 'Uthmān and the caliphs of God after them', as if the line of caliphs had started with 'Umar.¹¹ Similarly, a Medinese successor said that 'I have lived under 'Umar, 'Uthmān and the later caliphs, and they only beat a slave forty times for *qadhf*', meaning that this was the right punishment given that no caliph had acted otherwise.¹² And Zayd b. Thābit cited caliphal precedent to Mu'āwiya with the comment that 'I have lived under the two caliphs before you', for all that Zayd, a Companion of the Prophet, could scarcely have missed the caliphate of Abū Bakr.¹³ Apparently Abū Bakr did not count as a *khalīfa* to any of these individuals. He certainly did not count as an authority to anyone engaged in the elaboration of the law: traditions ascribing legal doctrines to Abū Bakr are practically non-existent.¹⁴ If he was head of state, he would thus appear to have been one of a different type from his successors.

Now it is well known from the many richly documented messianic movements of recent times that reality often forces the participants in such movements to take considerable liberty with their doctrinal script: the herald assumes the role of messiah, or is taken by some to be him; the messiah decides to be only a herald, or to abandon the script altogether for a while; several leaders are active, the allocation of roles between them being anything but clear, and so on. Abū Bakr may well have been an example of this: as head of state

9 Kumayt, p. 156 = 107f. (no. 8: 1ff.).

10 Cf. Nābighat B. Ja'da in *'Iqd*, vol. II, p. 97¹; al-Daḥḥāk b. Firūz al-Daylami in *Bal. Ans.*, vol. IV/b, p. 27.

11 Cf. above, chapter 2, note 13.

12 Cf. above, chapter 4, note 53.

13 Cf. above, chapter 4, note 62; contrast 'Abd al-Razzāq, *Muṣannaf*, vol. x, no. 18829, where a subgovernor refuses to apply Mu'āwiya's instructions on the ground that the Prophet, Abū Bakr, 'Umar and 'Uthmān had acted otherwise.

14 For one which gets close, see 'Abd al-Razzāq, *Muṣannaf*, vol. I, no. 1858.

is a fact that the Byzantine emperor had come to be seen as God's representative on earth by the late sixth century,³³ and that here as in Islam there was a predilection for David and Solomon as prototypes of the ideal ruler.³⁴ (Indeed, even the western view that Peter was vicar of God on earth seems to have reached the Islamic Middle East at an early stage.)³⁵ That Sasanid kingship was what one might call caesaropapist is well known.³⁶ But all that this amounts to is no more than that the Muslim concept of power was in line with that current in the non-Muslim world. It is an odd idea that a state founded by a prophet should have needed the example of secular empires in order to develop theocracy; and *pace* Tyan and others, the caliphate clearly did fuse religion and politics from the start, whereas they were only twins on the other side. Neither the Persian nor the Byzantine emperor was on a par with the *khalifa*, who was intrinsic to the acquisition of worldly prosperity and heavenly bliss alike. What is more, we do not have the right relationship between religion, politics and law in either empire. The Byzantine *basileus* was indeed the ultimate source of law, but he was so in his capacity as Roman, i.e. essentially pre-Christian, emperor, and the law in question was a secular one irrelevant to the attainment of Christian salvation. Conversely, Zoroastrian law, though religious, was not formulated by the *Shāhānshāh*. The imperial models may well have influenced the development of the caliphate in various ways: but when Mu'āwiya is accused of being *kisrā 'l-'arab*³⁷ and of having turned the caliphate into something *hiraqliyya* and *kisrawiyya*,³⁸ what is meant is that he accumulated power at the expense of his subjects by introducing dynastic succession and the like, not that he introduced theocracy. There is no imperial model behind the office of *khalifat Allāh*. It is only the Samaritans who offer the right fusion of political power and religious authority in conjunction with a holy law, and they do have the merit of speaking of *hyst yhwh*.³⁹ But this could conceivably be an instance of Islamic contamination, and the Arabs may have invented their *khalifat Allāh* on their own.

33 Cf. A. Cameron, 'Images of Authority: Elites and Icons in Late Sixth-Century Byzantium' in M. Mullett and R. Scott (eds.), *Byzantium and the Classical Tradition*, Birmingham 1981, p. 213, cf. p. 217.

34 *Ibid.*, p. 221.

35 Cf. the poem wrongly ascribed to al-Walīd II, *Shīr*, p. 160, 4.

36 Cf. most recently S. Shaked, 'From Iran to Islam: Notes on Some Themes in Transmission', *Jerusalem Studies in Arabic and Islam*, 4 (1984), pp. 37ff.

37 Bal., *Ans.*, vol. IV/a, p. 125.

38 Ibn Qutayba, *Imāma*, p. 162; Jāḥiẓ, *Rasā'il*, vol. II, p. 11.

39 Crone and Cook, *Hagarism*, p. 178, note 71.

Appendix 2

The letters of al-Walīd II and Yazīd III

The Letter of al-Walīd II

Al-Walīd II's letter concerning the designation of his successors is preserved in the chronicle of al-Ṭabarī (ser. ii, pp. 1756ff., *sub anno* 125; also reproduced in Ṣafwat, *Rasā'il*, vol. ii, pp. 448ff.), and apparently there alone. It was first singled out as a document of some importance by Dennett, who also offered a summary translation (or more precisely a loose paraphrase) which is very deficient in places (D. C. Dennett, 'Marwan ibn Muhammad: the Passing of the Umayyad Caliphate', Harvard Ph.D. diss. 1939, pp. 169ff.; partially reproduced in M. Khadduri, *The Islamic Conception of Justice*, Baltimore and London 1984, p. 26). More recently the letter has been discussed by Nagel (*Rechileitung*, pp. 82ff.) and Khadduri (*Justice*, pp. 25ff.). All three scholars assume it to be authentic, and so do we. For one thing, it is hard to see why anyone should have felt tempted to forge the text of a succession document equally devoid of religious significance and historical effect. For another, a forger active in the 'Abbāsid period (and he could scarcely have been active before it) would have required extraordinary historical insight to produce a document in which the importance of the caliphal institution is stressed, but its Umayyad incumbents are taken for granted. Further, the fact that al-Ma'mūn produced a succession document along very similar lines (see appendix 4) shows that the *inshā'* did indeed come out of a bureaucratic file; and since the 'Abbāsids before al-Ma'mūn do not appear to have made use of this type of *inshā'*, we must assume either that it antedated the 'Abbāsids or that it originated in the time of al-Ma'mūn. It does not seem likely that al-Ma'mūn's secretary would have amused himself by penning elaborate succession documents in the name of Umayyad caliphs (nor would one have assumed him to have had sufficient historical sense to omit Ḥadīth, be it

Prophetic or other; but of ḥadīth there is none). We are thus entitled to assume that the *inshā'* antedated the 'Abbāsids and that the letter was written by Samāl on behalf of al-Walīd II precisely as the letter states. (The name Samāl is peculiar and should perhaps be read Simāk though there do not appear to be any variant readings of it; it could scarcely be a corruption of Sālim [b. 'Abd al-Rahmān, *ṣāḥib dīwān al-rasā'il*, cf. Tab., ser. ii, p. 1750].) Given that we only have al-Ṭabarī's version, it is hard to say whether it is based on a written copy of the letter or on an oral version thereof, but one would have thought it to be based on a document. The letter is long and so close to al-Ma'mūn's in formulation that if it was copied from somebody who had simply heard it read aloud, the person in question must have had an extraordinary memory. Al-Ṭabarī says that he has it from 'Alī, sc. al-Madā'inī, 'from his aforementioned *shuyūkh*', according to whom two men came to Naṣr [b. Sayyār] with the letter *wa-huwa amma bā'da*[. . .]etc, a formulation apt to suggest that he is reproducing the text of the copy sent to Khurāsān.

The text is corrupt in places and not always easily amended. In our attempt to restore meaning to it we have greatly benefitted from the fact that Professor Iḥsān 'Abbās was willing to place his expertise at our disposal. Even in its amended version, however, the letter does not lend itself to translation. The style is involved and overloaded: as the scribe piles warning upon warning, both syntax and logic are stretched to breaking point. Exactly what he has in mind at any particular point is often less than clear, and those who heard the letter read aloud must frequently have lost the thread; on the other hand they must have felt that the overall message was being positively hammered into them: the caliphs are God's own instrument and everyone must obey them; obedience will be amply rewarded, whereas disobedience and dissension have dire consequences in both this world and the next. We hope that our cumbrous English version retains some of the same effect.

Both Dennett and Nagel saw evidence in this letter that the Umayyads denied the doctrine of free will ('Marwan b. Muhammad', p. 172; *Rechtleitung*, p. 71 and note I thereto), and Khadduri even claims that the letter was intended as a reply to Qadarite critics of the Umayyad regime (*Justice*, p. 25). But we must beg to differ. There is indeed a strong sense in it that God is responsible for everything, not least for the success of His caliphs and the downfall of their enemies, but there is not anything remotely resembling a thought on the relationship between the divine and the

straight path.⁶ Ultimately the grace of God [as manifested] in His prophethood reached Muḥammad, at a time when knowledge had become obliterated and people had become blind, having acquired different desires⁷ and gone their separate ways, the waymarks of truth having become effaced. Through him God made guidance clear and dispelled blindness, and through him He saved [people] from going astray and perishing. He elucidated⁸ the religion through him, and He made him a mercy to mankind.⁹ Through him He sealed His revelation. He gathered unto him everything with which He had honoured the prophets before him, and He made him follow their tracks,¹⁰ confirming the truth of that which He had revealed together with them, preserving it,¹¹ calling to it and enjoying it.¹²

2. In due course there were those from among his nation who responded to him and became adherents of the religion with which God had honoured them. They confirmed the truth of that which previous prophets of God [had preached], where their people used to call them liars, accepted their sincere advice where they used to reject it, protected their sacred things from the desecration which they used to commit, and venerated those things which they used to hold in contempt. No member of Muḥammad's nation would hear someone give the lie to one of God's prophets concerning that with which God had sent him,¹³ or impugn him in what he said or hurt him by calling him stupid, arguing against him or¹⁴ denying that which God had sent 1758 down with him,¹⁵ / / without deeming his blood to be lawful for it and cutting off such ties as he might have with him¹⁶ "even if they were their fathers, their sons or their clansmen".¹⁷

Qur'ān, Edinburgh 1970, pp. 127ff.). Unfortunately al-Ma'mūn's letter is much shorter at this point (cf. appendix 4).

4 *Allātī ḫiyya ahsan*, cf. Qur., 17: 55; 29: 45; 41: 34.

5 *Sirāt mustaqīm*, cf. Qur., 2: 136, 209; 3: 96; 5: 18, and *passim*.

6 *Tashīt minal-hawā*. The temptation to read *hudā* for *hawā* is strong, but compare Kumayl, p. 54 = 40 (no. 2: 73): *wa-kayfa ḥalāluhum huda*ⁿ *wa'l-hawāshattā bihim mutashā'ibū*).

7 Reading *anħaja* for *abħaja*, following Ṣafwat, *Rasā'il*, vol. II, p. 448.

8 *Rahmatūn li'l-ālamīn*, cf. Qur., 21: 107.

9 *Wa-qaffā bihi 'alā āthārihim*, 'he caused their tracks to be retraced through him'. cf. Qur., 2: 81; 5: 50; 57: 27. 10 Cf. Qur., 5: 52.

11 Compare the similar account in al-Rashīd's letter to Constantine, Ṣafwat, *Rasā'il*, vol. III, pp. 258ff.

12 Reading *mukadhdhib*ⁿ as the object of *yasma'u* (or *yusma'u*).

13 Reading *aw* for *idh*, following O. Similarly Ibrāhīm.

14 *Li-man anzala 'llāh 'alayhi ma'ahu*. We omit *'alayhi*, following O, on the ground that the text has previously used *ma'ahu* alone (compare Qur. 2: 209).

15 We omit the *fa-tam yabqa kāfir* preceding *illā*, following BM and O. The alternative translation would be: 'so no unbeliever remained without thereby rendering his blood lawful and cutting off such relationships as he might have with him'.

16 *Wa-in kānū ḥabā'ahum aw abnā'ahum aw 'ashiratahum*. The sudden shift from singular to plural arises from the fact that this is a Qur'ānic quotation, if a slightly deviant one (cf. Qur., 58: 22).

[The era of the caliphs]

3. Then God deputed His caliphs over the path of His prophethood (*alā minhāj nubuwatihi*) – [that is] when He took back His Prophet and sealed His revelation with him – for the implementation of His decree (*hukm*), the establishment of His normative practice (*sunna*) and restrictive statutes (*hudūd*), and for the observance of His ordinances (*farā'iq*) and His rights (*huqūq*), supporting Islam, consolidating that by which it is rendered firm,¹⁷ strengthening the strands of His rope,¹⁸ keeping [people] away from His forbidden things,¹⁹ providing for equity (*adl*) among His servants and putting His lands to right, [doing all of these things] through them.²⁰

[The importance of obedience to the caliphs]

4. God (blessed and exalted is He) says, “and if God had not kept back the people, some by means of others, surely the earth would have been corrupted; but God is bounteous to mankind”.²¹

So the caliphs of God followed one another, in charge of that which God had caused them to inherit from His prophets²² and over which He had deputed them. Nobody can dispute their right without God casting him down, and nobody can separate from their polity (*jamā'a*) without God destroying him, nor can anyone hold their government in contempt or query the decree of God (*qadā' Allāh*) concerning them [sc. the caliphs] without God placing him in their power and giving them mastery over him, thus making an example and a warning to others.²³ This is how God has acted towards anyone who has departed from the obedience to which He has ordered [people] to cling, adhere and devote themselves, and through which it is that heaven and earth came to be supported. God (blessed and exalted is He) has said, “then He lifted Himself to heaven when it was smoke, and said to it and to earth, ‘come willingly or unwillingly’. They said, ‘we come // willingly’”.²⁴

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And God (exalted is His invocation) has said, “when your Lord said to the angels, ‘I am placing a deputy (*khalifa*) on earth’, they said, ‘are you placing in it someone who will act corruptly and shed blood while we are celebrating Your praise and sanctifying You?’. He said, ‘I know what you know not’”.²⁵

17 Reading *īashatā*²⁶ for *īashyā*²⁷, following BM.

18 Cf. Qur., 3: 98, 108.

19 *Harāmīhi*, for all that one would have expected *mahārāmīhi* (the word used below).

20 We have taken the liberty of not repeating ‘through them’ seven times (as does the text).

21 Qur., 2: 252.

22 Literally ‘from the matter of His prophets’ (*min amr anbiyā'ihī*).

23 Cf. Qur., 2:62.

24 Qur., 41: 10.

25 Qur., 2: 28.

5. So through the caliphate God has preserved such servants of His as He has preserved on earth: to it He has assigned them, and it is through obedience to those whom He has appointed to it that those who have been given to understand and realise its importance²⁶ attain happiness. God (blessed and exalted is He) knows that nothing has any mainstay or soundness save by the obedience through which He preserves His truth, puts His commands into effect, turns [people] away from acts of disobedience to Him, makes [them] stop short of His forbidden things and protects His sacred things. So he who holds to the obedience which has been apportioned to him is a friend of God and obeys His commands, attaining rectitude and being singled out for good fortune in [both] this world and the next. But he who leaves off it, forsakes it and is refractory towards God in respect of it loses his share, disobeys his Lord and forfeits [both] this world and the world to come.²⁷ He becomes one of those overwhelmed by misery²⁸ and overcome by aberrant things which lead their victims to the foulest places of water and the vilest places of slaughter in respect of the humiliation and retribution which God will inflict on them in this world. And He will cause them to undergo all the chastisement and grief which He has prepared for them [in the next].²⁹

6. Obedience is the head of this matter, its summit, its apex, its halter, its foundation, its refuge and its mainstay, after the declaration of belief in the unity of God with which God has distinguished between His believers. Through obedience the successful³⁰ attain their stations from God and gain a right to reward from Him; and through disobedience others obtain those of His punishments which He metes out to them, that chastisement of His which He inflicts upon them,

1760 and that anger of His which he causes to befall them.³¹ // In abandonment³² and neglect of obedience, in departure from it, lack of attention to it and carelessness of it,³³ God destroys [all] those who stray and disobey, who are blind and go to excess, and who leave the

26 Reading *ušimahā* (or *ulhimahā*) *wa-buṣṣirahā*.

27 Cf. Qur., 22:11.

28 Cf. Qur., 23:108.

29 Reading *simā d'adda lahum* for *simā 'indahum/indahu* following Ṣafwat, *Rasā'il*, vol. II, p. 450n.).

30 *Al-muſlihūn*, a term used twelve times in the Qur'ān, always in the phrase *uš'ika hum al-muſlihūn*.

31 We have resorted to fairly drastic emendations here, reading *wa-bi'l-ma'siya nāla ghayruhūn mā yuhishu bihūm naqimātihī wa-yuṣibuhūn min 'adhabihī wa-yuhiqqu 'alayhim min sukhīhi*. The text makes no sense as it stands, and though less drastic emendations are possible, we cannot think of any other which will preserve the parallelism.

32 Reading *wa-bi-tark al-ī'a* for *wa-yunzalu bī'l-ī'a*, cf. BM and O; similarly Ibrāhīm.

33 Reading *tabodhdhūl* for *tabaddūl*.

splitting up of the unity of its adherents and their coming to disagree on that over which God has brought them together, for which his friends yearn and to which he incites them. God will show them nought in this matter but that which harms them and gives the lie to their ambitions; and they shall find that through that which He has decreed for His friends, God has made firm the settlement of their affairs⁴⁶ and banished from them those who wish to introduce corruption and unfaithful conduct among them, or to enfeeble that which God has strengthened or to rely on that from which God has turned away.⁴⁷

8. So through these things⁴⁸ God has perfected for His caliphs and His pious party, to whom He has entrusted obedience to Him, the good things to which He has accustomed them,⁴⁹ and He has appointed for them [part] of His power to strengthen, ennable, elevate and consolidate so that they may accomplish their end.⁵⁰ The matter of this covenant is part of the completion of Islam and the perfection of those mighty favours by which God makes His people obliged to Him, and [also] part of that which God has made in it [sc. in Islam?] – for the person at whose hands He brings it about and at whose tongue He decrees it, making it successful for him whom He has appointed to this position – a most valuable treasure from His point of view and, from the point of view of the Muslims, the most excellent manifestation of the favour which He manifests among them⁵¹ and of the safeguard which He extends to them, of His power on which they rely, and of His refuge in which they enter. Through His refuge God has given them power to resist and through it He preserves them from all destruction, gathers them in from all disunion, subdues the people of hypocrisy and renders them immune // to all dissension and schism.

1762 9. So give praise to God, your Lord, who takes pity upon you and does you good in your affairs for that which He has guided you to in this covenant. God has made it [sc. the covenant] something in which you can trust, on which you can rely, from which you can attain tranquillity and in the shade of which you can seek shelter.⁵² Through it He shows you the right path wherever you turn your necks, wherever you direct your faces, and wherever your forelocks meet⁵³ in matters of your religion and this world. In this there is a momentous grace

46 Reading 'aqd for the 'uqad adopted by the Leiden editors.

47 Reading *fīmā tawallā 'llāh 'anhu minhā*, though the 'anhu is missing.

48 *Bihā*, a general reference to what has just been mentioned.

49 *Aḥsan*^a 'lladhi awwadahum. We have opted for 'good things' on the ground that 'the best' cannot be perfected.

50 This clause is implicit in *sabbaba lahum*, cf. Lane, *Lexicon*, s.v..

51 Literally 'the most excellent impress in that which He impresses upon them'.

52 Reading *as-yā'ihi* for *as-nānihi*, 'branches', on the ground that the preposition is *fi* rather than *bi*.

53 *Viz.* wherever you are together.

and a great favour from God⁶⁴ bestowing⁶⁵ amleness of health and safety, as is recognised by those of intelligence⁶⁶ and good intentions who pay close attention to the consequences of their acts and who are cognisant of the beacon of the paths of rectitude. So you have reason to thank God in respect of all those ways⁶⁷ in which He has preserved your religion and the state of your polity (*amr jamā'atikum*), and you are competent to know the essence of His binding right[s] in this matter and to praise Him for that which He has resolved for you. So let the importance and worth of this in your estimation be in proportion to the favour which God has bestowed upon you in it, God willing. There is no strength save in God.⁶⁸

10. Moreover, ever since God deputed him, the Commander of the Faithful has not had a greater preoccupation or concern than this covenant, on account of his knowledge of its pre-eminent role in the affair[s] of the Muslims and those things in it which God has shown them for which they are thankful. He [sc. the Commander of the Faithful] ennobles them by that⁶⁹ which he decrees for them, and he chooses to exert himself in this matter [both] for himself and for them. On his own and their behalf he asks for a decision regarding it from his God and Master, the all-powerful in whose hand is the decision and with whom are all invisible things,⁷⁰ and he asks Him to help him 1763 to achieve that which // is most righteous for him in particular and for the Muslims in general.

11. The Commander of the Faithful has deemed it best to appoint two heirs,⁷¹ so that you may be in the same position as those who were before you, enjoying⁷² a respite of ample hope and inner tranquillity, a flourishing state of concord,⁷³ and a knowledge of the state of affairs which God has established as a protection, rescue, goodness and life for his people and as a humiliation, loss and restraint for every hypocrite and godless person who desires the destruction of this religion and the corruption of its adherents.

[The designation of al-Ḥakam and 'Uthmān]

12. So the Commander of the Faithful has appointed to it al-Ḥakam, son of the Commander of the Faithful, and after him 'Uthmān, son

54 *Balā' ḥasan*, cf. Qur., 8:17; cf. also 7:137; 14:6.

55 Literally just 'in'.

56 *Dhawū 'l-albāb*, where the Qur'ān has *ūkū 'l-albāb* (in fifteen places).

57 *Fīmā . . . min dhālika*, a general reference to what had just been said.

58 Qur., 18:37.

59 Literally 'in that'.

60 Cf. Qur., *passim*.

61 Literally 'to make a covenant after a covenant'.

62 Literally just 'in'.

63 Cf. Qur., 8:1.

of the Commander of the Faithful.⁶⁴ Both of them are persons of whom the Commander of the Faithful hopes that God has created them for this purpose and fashioned them for it, perfecting in them the most goodly virtues of those whom He appoints to it in respect of plenitude of insight, soundness of religion, superabundance of manliness and knowledge of what is right.⁶⁵ And the Commander of the Faithful has spared no effort or good action on your behalf or his own in this matter.

13. So give allegiance to al-Hakam, son of the Commander of the Faithful, and to his brother after him, [undertaking to] hear and to obey. In so doing, reflect upon [the reward of] the best of what God used to show you and bestow on you and accustom you to, and what He has acquainted you with in similar situations in the past by way of extensive prosperity, general good and mighty bounty, into the amleness,⁶⁶ security, blessing, safety and protection of which you have passed. This is a matter which you have deemed slow in coming and to which you have tried to hurry. You have praised God for 1764 causing it to come to pass and for decreeing it for you, // and you have burst out with thanks regarding it,⁶⁷ deeming it to be a good fortune for you. You hasten towards it, and you exert yourselves in the fulfilment of God's claim upon you; for so much of God's blessing, generosity and good apportioning has come to you in the past that⁶⁸ you are disposed to want it and desire it in the measure that God has favoured and benefitted you with it.

14. Further, if something should befall one of his two successors, the Commander of the Faithful is entitled to put in his place and position whoever he may wish to put there from among community or his sons⁶⁹ and give priority to him over the survivor if he so wishes, or to place him after him. So know that and understand it. We ask God, apart from whom there is no god, and who has knowledge of the unseen and the visible,⁷⁰ the merciful and the compassionate, to bless the Commander of the Faithful and you in that which He has decreed

64 According to the *Aghānī*, vol. vii, p. 70¹⁴, al-Walīd gave precedence to 'Uthmān. This is an inference from a widely cited poem attributed to al-Walīd himself, which is cited there too and according to which 'we hope for 'Uthmān after al-Walīd'. But one version adds 'or Ḥakam', and the poem is not by al-Walīd in any case (cf. his *Ši'r*, pp. 147f., where full references are given).

65 *Waṣṭ al-ra'y wa-ṣīḥḥat al-dīn wa-jazālat al-muruwwa wa'l-mārifat bi-ṣāliḥ al-witrūr.*

66 Reading *rakhā'ihi* for *rajā'ihi*.

67 *Aḥdāthūm fīhi shukr*⁷¹, an expression conveying suddenness and impulsivity. *Ajdayūm* is possible, if less likely.

68 Literally 'there has come to you in the past of God's grace . . . what'.

69 It is notable that al-Walīd considers the possibility of selecting a successor from among his *ummā*, viz. somebody who need not apparently be an Umayyad or even a Qurashī.

70 *Ālim al-ghayb wa'l-shahāda*, cf. Qur., 6:73; 23:94.

at his tongue and determined to this effect,⁷¹ and to make its outcome well-being, happiness, and joy. For that is in His hand; nobody but He controls it, and from Him alone can it be petitioned.

15. Peace and the mercy of God be upon you. Written by Samāl, Tuesday, 21 Rajab, in the year 125 [= 20 May, 743].⁷²

The letter of Yazīd III

Yazīd III's letter to the people of Iraq is to be found in al-Tabārī (ser. ii, pp. 1843ff., *sub anno* 126; also reproduced in Ṣafwat, *Rasā'il*, vol. ii, pp. 465ff.), and al-Balādhurī (*Ans.* (MS), vol. ii, fols. 170a–b, where the date is given as 28 Rajab, 126 = 15 May 744, and the scribe is named as Thābit b. Sulaymān b. Sa'īd (read Sa'd), i.e. the chief of Yazīd's *dīwān al-rasā'il* (see Tab., ser ii, p. 847)). The two versions differ considerably in a number of places, and at least one of them, possibly both, must be based on oral sources. Our translation renders al-Tabārī's text (for which al-Madā'īnī is once more named as the authority); we indicate only significant variants in al-Balādhurī's version.

1843 'God chose Islam as a religion, approved of it and purified it, and He stipulated in it certain dues which He enjoined, and He prohibited [other] things which He made forbidden, in order to test His servants in respect of their obedience and disobedience. He perfected in it every good virtue and great bounty. Then He⁷³ took charge of it, preserving it and acting as guardian of those who observed His *hudūd*, protecting them and making them cognisant of the merit of Islam. God does not honour with the caliphate anyone who observes the command of God and draws near to Him, whereupon someone opposes him with a covenant or attempts⁷⁴ to take away what God has given him, or a violator violates, but that [such a person's] guile is [rendered] very weak and his cunning most defective, so that God may complete what He has given to [the caliph] and store up a recompense and reward for him, making his enemy most prone to lose his way and most apt to forfeit his acts. So the caliphs of God followed one another as
1844 guardians of His religion, judging in it according to His decree, // following the book in it. In all this they received from Him by way of His support and help that which completed the favours bestowed

71 Note that al-Walīd is taking out a double insurance policy: he wants God to bless the decision (thus acknowledging that it is his own) and he credits it to God Himself (thus obviating the need for a blessing).

72 *Thumma rawallāhu*. B. adds *Allāh*. Yet one would have expected the letter to introduce the caliphs at this point (*ihumma wallāhu khallāharū* or something similar): the *khilāfa* appears in the following line as something already introduced.

73 Reading *yuhāwīlu* with B. and Ṣafwat for *bi-hulūl*.

upon them, and God was pleased with them for it (*i.e.* the caliphate) until Hishām died.⁷⁴

Then the office⁷⁵ passed to the enemy of God⁷⁶ al-Walīd, the violator of sacred things on a scale not perpetrated by either a Muslim or an unbeliever [since both would desire] to preserve themselves from committing such things. And when [news of that] spread abroad and it became publicly known and misfortune was intensified and blood spilt on his account, and assets were taken wrongfully, along with [other] abominations which God will not let people commit for long, I went to him with⁷⁷ the expectation that he would mend his ways⁷⁸ and apologise to God and to the Muslims, disavowing his behaviour and the acts of disobedience to God which he had dared to commit, seeking from God the completion of that which I had in mind by way of setting straight the pillar of the religion and holding to that which is pleasing among its people. Ultimately, I came to⁷⁹ an army [of men] whose breasts were enraged against the enemy of God, on account of what they had seen of his behaviour, for⁸⁰ [this] enemy of God could not see any of God's statutes without wanting to change them and act contrary to what God has revealed.⁸¹ He did this publicly, generally and quite openly. God placed no screen around it and [did] not [cause] anyone to doubt it. I mentioned to them what I loathed and what I feared by way of corruption of both the religion and this world, and I spurred them on to put their religion to rights and protect it, they [at first] being doubtful about that, having feared that they were merely saving themselves in what they were undertaking until I called upon them to change it.

Then they hastened to respond and God sent a deputation made up of the best⁸² of those of them possessed of religion and what is pleasing, and I sent 'Abd al-'Azīz b. al-Hajjāj b. 'Abd al-Malik in charge of them. [He went forth with them] until he met the enemy of God near a village⁸³ called al-Bakhrā'. They called upon him⁸⁴ to set up a *shūrā* in which the Muslims⁸⁵ might consider for themselves whom

74 This sentence is missing in B.

75 *Al-amr*, cf. chapter 5, note 47.

76 '*Adiww Allāh*, to be contrasted with *khalīfat Allāh*.

77 B. reads *bāda* in place of *ma'a*.

78 *Intīzār murāja'atihi*.

79 B. reads *wāfaqtu* in place of *ataytu*.

80 From this point to the end of the paragraph, B.'s account is much briefer and different in much of its wording.

81 *I.e.* a scriptural definition of *sharā'i*; but B. reads *baddala...amr Allāh wa-sunan nabiyyihi*.

82 Reading *bi-khayrihim* in place of *yukhbiruhum* (the text of B. differs at this point).

83 B. adds *min qurā Hims*.

84 B. reads *fa-dā'ahu* in place of *fa-dā'awhu*.

85 B. reads *fuqahā' al-muslimīn wa-ṣulahā'uhum*.

to invest [with authority] from among those they agreed on; but the enemy of God did not agree to that.⁸⁶ So, in ignorance of God, he 1845 hastened to attack them, but found // that God is mighty and wise and that His grip is strong and painful.⁸⁷ So God killed him for his evil behaviour and those of his agnates too who were with him, forming his vile retinue. They did not reach ten [in number], and the rest of those who were with him accepted the truth to which they were called.⁸⁸ So God extinguished his *jamra*⁸⁹ and relieved His servants of him: good riddance to him and those who follow his path! I have desired to inform you of that, and to do so quickly, so that you may praise God and give thanks to Him. You are now in a prime position, since your rulers are from among your best men and equity is spread out for you, nothing being done contrary to it among you.

So multiply your praise of your Lord for that and take the oath of allegiance⁹⁰ [to the Commander of the Faithful]⁹¹ with Mansūr b. Jumhūr,⁹² with whom I am satisfied for you,⁹³ on the understanding that the compact of God and His covenant and the mightiest of what has been compacted and covenanted on any one of His creation are upon you. Listen to and obey me and whoever I may depute to succeed me from those upon whom the community agrees. You have the same undertaking from me: I shall act among you in accordance with the command of God and the *sunna* of His prophet, and I shall follow the way of the best of those who have gone before you. We ask God, our Lord and Master, for the best of His granting of success and the best of His decree'.

86 B. omits the second part of this sentence (from 'whom to invest . . .').

87 B. omits this sentence.

88 B. omits this sentence.

89 Apparently a play on the two senses of the term: 'burning coal' and 'band'.

90 Reading *bāyi* 'ū (with B. and Ṣafwat) in place of *tābi* 'ū.

91 This is from B.

92 Who had been appointed by Yazīd to the governorship of Iraq.

93 From this point to the end of the paragraph, B.'s account is much briefer than that of Tab. and there is practically no coincidence of wording.

3. 'Umar took charge after him. He proceeded according to the mode of conduct (*sīra*) of him who had gone before him. He collected the *say'*, assigned stipends, established *amṣār* and *dīwāns*, gathered the people in night prayer in the month of Ramaḍān,¹ gave out eighty stripes for wine-drinking, and campaigned in enemy territory. Then he passed on his way, on the path of his companion, having left it (i.e. the matter of the caliphate) to be determined by consultation, may God's mercy be upon him.

4. Then 'Uthmān took charge. For six years he proceeded in a way which fell short of the mode of conduct of his two companions. Then he [acted in a manner which] annulled what he had done earlier, and passed on his way.

5. Then 'Alī b. Abī Ṭālib took charge. He acted in a proper manner until he established arbitration concerning the book of God and had doubts about His religion. [Thereafter] he did not achieve any goal in respect of what was right, nor did he erect any beacon for that.

6. Then there took charge Mu'āwiya b. Abī Sufyān, who had been cursed by the Messenger of God and was the son of one so cursed. He made the servants of God slaves, the property of God something to be taken by turns,² and His religion a cause of corruption. Then he passed on his way, deviating from what was right, deceiving in religion.

7. Then there took charge his son Yazīd, part of [the object of]³ the curse of the Messenger of God, a sinner in respect of his belly and his private parts. He kept to the path of his father, neither acknowledging what ought to be acknowledged nor disavowing what ought to be disavowed.

8. Then Marwān and the Banū Marwān took charge. They shed forbidden blood and devoured forbidden property. As for 'Abd al-Malik, he made al-Ḥajjāj an *imām* of his, leading to hellfire. As for al-Walīd, he was a stupid fool, at a loss in [his] waywardness, abusing it (i.e. the caliphate) with benighted senselessness. And Sulaymān, what was Sulaymān?! His concern was with his belly and his private parts. So curse them, may God curse them! Except that 'Umar b. 'Abd al-'Azīz was from [among] them: he had [good] intentions and did not act [upon them]⁴; he fell short of what he intended.

1 *Qiyām shahr ramaḍān*, i.e. holding the night prayers which came to be called *tarāwīh* (see *EP*, s.v.).

2 *Duwal*^{an}, cf. Qur., 59:7. Note that al-Ḥasan al-Baṣrī is credited with having said of the Umayyads *ītakhadhū ibād Allāh khawāl*^{an} *wa-kirāb Allāh dagħol*^{an} *wa-ma-l Allāh duwal*^{an} (Ibn 'Asākir, *Tahdhīb*, vol. iv, p. 79).

3 Reading *faṣīd* in place of *faṣīṣ* (see Lane, *Lexicon*, s.v. *faṣad*).

4 Cf. the words attributed to 'Umayr b. Dābi': *hamāni wa-lam as' al-wa-kidtu wa-laytani...* (Tab., ser. ii, p. 869; Ibn 'Asākir, *Tahdhīb*, vol. iv, p. 57 (where the words are wrongly ascribed to his father)).

9. Then there took charge after him Yazīd b. ‘Abd al-Malik, a sinner in whom right judgement was not perceived. God has said concerning orphans, 'Then, if you perceive in them right judgement, deliver their property to them':⁵ and the affair of Muḥammad's nation is of greater moment than the property of the orphan. [Yazīd] was suspected of wickedness in respect of his belly and his private parts. Two items of apparel were woven for him and he wore one as a *ridā'* and the other as an *izār*.⁶ Then he sat Ḥabāba on his right and Sallāma on his left and said, 'Sing to me, Ḥabāba; give me to drink, Sallāma'.⁷ Then, when he had become drunk and the wine had taken a hold on him, he rent his two garments, which had been acquired for one thousand dinars – [dinars] on account of which skins had been flayed, hair shaved off, and veils torn away; he took what he spent on [those two garments] unlawfully and wrongfully. Then he turned to one of [the girls] and said, 'Surely I shall fly!' Most certainly! Fly to hellfire! Is such supposed to be the distinguishing characteristic of the caliphs of God?!⁸

10.]Then the squint-eyed Hishām took charge. He scattered stipends about and appropriated the *say'*: he made all of the *say'* of the Muslims that was pleasant and salubrious into [something promoting] his [own] glory – may he enjoy no pleasure!].⁹ I was present at [the reading out of] a letter which Hishām wrote to you concerning a drought¹⁰ which had occurred. With it (i.e. the letter) he pleased you and angered his Lord, [for] in it he mentioned that he left [the matter of] the alms tax¹¹ to you. This made the rich among you richer and the poor poorer,

5 Qur., 4:5.

6 *Izār* signifies 'waist-wrapper', while *ridā'* signifies 'garment covering the upper half of the body' (Lane, *Lexicon*, s.vv.; cf. *EP*, s.v. 'libās').

7 For the background of these two slavegirls, see *Aghānī*, vols. viii, pp. 334–351 and xv, pp. 122–146, where, however, no reference is made to this particular incident. It seems that it was al-Wālid II who was above all given to tearing off his garments and plunging naked into a pool of wine (*ibid.*, vol. iii, p. 308).

8 *A-sa-hākadħā sifat khulafā' Allāh*; al-Azdi omits the initial *a*, while the *īqd* (vol. iv, pp. 146f.), whose compiler, having said that he will spare us what Abū Ḥamza had to say about the caliphs, nonetheless cannot resist the temptation to relay this piece of scandal about *fulān* b. *fulān min 'adad al-khulafā' īndakun*) reads *sa-hādhihi sifat khulafā' Allāh ta'ālā*. The versions appearing in al-Jāḥiẓ, *Aghānī*, Ibn Abī 'l-Ḥadīd and al-Izkawī fail to preserve any reference to *khulafā' Allāh* at this point; but Ibn Abī 'l-Ḥadīd does record that elsewhere in his sermon Abū Ḥamza said: *alā tarawna ilā khilāfat Allāh wa-imārat al-muslimīn kaysa uqṭ'at?* (*Sharḥ*, vol. v, p. 117).

9 This bracketed passage occurs only in al-Izkawī.

10 Correctly *haṭma* in al-Izkawī: the copyist of Bal. reads *kh.ṭma*, while the editor of al-Azdi reads *ḥiṭṭa*. The whole section from the beginning of this sentence to the end of the paragraph is missing from the versions given by al-Jāḥiẓ and Ibn Abī 'l-Ḥadīd; it is given in a different context by the *Aghānī* (vol. xxiii, p. 237), where 'āha sī iħimārikun stands in place of *haṭma* (cf. Tab., ser. ii, p. 2009).

11 *Ṣadagāt* (Bal. and al-Azdi)/*qodgo* (al-Izkawī); but the *Aghānī* (see the preceding note) reads *kharāj* (cf. Tab., ser. ii, p. 2009).

and you said, 'May God reward him with good.' Nay! May God reward him with evil! He was miserly with his wealth and niggardly in his religion.

11. [Then the sinner al-Walīd b. Yazīd took charge. He drank wine openly and he deliberately made manifest what is abominable. Then Yazīd b. al-Walīd¹² rose against him and killed him: God has said¹³, 'So We make the evildoers friends of each other for what they have earned.' Then Marwān b. Muḥammad took charge and claimed the caliphate. He abraded faces, put out eyes, and cut off hands and feet. How amazing is your satisfaction with the sons of Umayya, the sons of the *faṭīq*,¹⁴ the sons of the accursed one! Curse him (i.e. Marwān), may God curse him!].¹⁵

12. These Banū Umayya are parties of waywardness. Their might is self-magnification. They arrest on suspicion, make decrees capriciously, kill in anger, and judge by passing over crimes without punishment.¹⁶ They take the alms tax from the incorrect source and make it over to the wrong people. God has made clear the eight categories [of recipients of *sadaqāt*].¹⁷ Then there came a ninth category which had no right to them. [It set itself in the midst of [those who did have a right] and said, 'The land is our land, the property is our property, and the people are our slaves'].¹⁸ It took all. That is the party which decrees other than what God has sent down, [and God has said, 'Who so decrees not according to what God has sent down, they are the unbelievers, the evildoers and the sinners'].¹⁹ The[se] people have acted as unbelievers, by God, in the most barefaced manner.²⁰ So curse them, may God curse them!].²¹

12 Reading 'al-Walīd' in place of 'Khālid'.

13 Qur.. 6:129 (the *kadhālika* preceding *qāla* 'llāh has been disregarded as dittoography).

14 I.e. one brought within the pale of Islam against his will (Lane, *Lexicon*, s.v.), in this case presumably the Marwānid forbear al-Ḥakam b. Abī 'l-Āṣ.

15 The whole of this bracketed paragraph occurs only in al-Izkawī.

16 Bal., al-Jāḥiẓ, and al-Izkawī give the singular form *shafā'a* (the editor of al-Aṣdi reads *shaqā'a*), while the *Aghānī* and Ibn Abī 'l-Ḥadid give the plural *shafā'at*. For some examples of Umayyad *shafā'at*, see al-Jāḥiẓ, *Rasā'il*, vol. II, pp. 11, 14; Wakī', *Qudāh*, vol. II, p. 36; *Aghānī*, vol. xxi, p. 312.

17 Qur.. 9:60.

18 This bracketed passage occurs only in al-Izkawī.

19 See Qur., 5:48–51.

20 Reading *k.f.h.m. s.l.ā* as *kafrat*^{an} *ṣaīd* (we are indebted to Professor Ihsān 'Abbās for this suggestion).

21 This bracketed passage occurs only in al-Izkawī.

[God's Messengers]²

363 2. To continue: God, great and mighty is He, selected Islam as a religion and selected for it from [among] His servants messengers to direct and lead [others] to it, the first of [these messengers] conveying the good news to the last of them, and those of them who came later confirming the veracity of those who had gone before. Ultimately the prophethood of God reached Muḥammad, at a time of interval between messengers.³ obliteration of knowledge, cessation of revelation, and proximity of the Hour. Through him God sealed the prophets, making him their witness, [and so] preserving them;⁴ and to him He revealed His mighty book – 'falsehood comes not to it from before it nor from behind it, a revelation from One all-wise, all-laudable',⁵ in which there is what⁶ He permitted and prohibited, promised and threatened, warned of and cautioned about, and enjoined and forbade, so that He might have the conclusive argument⁷ over His creation, and 'so that whosoever perishes may do so by a clear sign, and by a clear sign may he live who lives; surely God is all-hearing, all-knowing'.⁸ [Muḥammad] transmitted God's message⁹ on His behalf, and called to His path, [first of all] with the wisdom, good admonition and disputation 'in the better way'¹⁰ which He had enjoined upon him, and then with holy war and severity, until God took him back unto Himself, and chose for him what is with Him (i.e. in Paradise), may God bless him.

[The Caliphate]¹¹

3. When the prophethood came to an end, and with Muḥammad – may God bless and preserve him – God sealed revelation and the message,

2 Cf. §§ 1–2 of al-Walīd's letter, and note in particular the close similarity of wording there: *Allāh... salla... iktiṣāra* (rather than *īṣāfā*) 'l-Islām dīn^a... iħumma 'iṣafā... rūsul^b... ħallā 'ntahat kardmar Allāh fl-nubuwwatihi ilā Muḥammad... 'alā ħin durūs min al-ilm... wa-kħatama bihi waħyahu...

3 Cf. Qur., 5:22.

4 Cf. the end of the first paragraph of al-Walīd's letter, where God preserves what He has revealed with them.

5 Qur., 41:42

6 Following Sibī b. al-Jawzī's *bi-mā aħallu* in preference to al-Qalqashandī's *fa-aħallu* and so accommodating the 'id pronouns in the following phrase *wa-amara bihi wa-nahā anku*.

7 *Al-ħuġja al-bāligha*: cf. Qur., 6:150.

8 Qur., 8:44.

9 Sibī b. al-Jawzī reads *risālatihi* in place of *risālatiħu*.

10 *Bi'llarīhiya aħsen*, the whole sentence from 'called' up to this point being calqued on Qur., 16:126; note that the opening passage of al-Walīd's letter also contains the phrase *allatī hiya aħsan* (see note 4 thereto).

11 Cf. §§ 3–6 of al-Walīd's letter, where the necessity of obeying the caliph is stressed and his duties *vis-à-vis* his subjects are not.

He made the mainstay of the religion and the ordering of the government (*amr*) of the Muslims [reside] in the caliphate, [in all] its fullness and might, and [in] the implementation of that to which God is entitled in [respect of] it (i.e. the caliphate) through that obedience with which God's ordinances (*farā'id*) and restrictive statutes (*hudūd*), as well as the laws (*sharā'i'*) of Islam and its norms (*Sunan*), are established and his enemy is fought.¹² It is incumbent upon the caliphs of God to obey Him regarding such of His religion and of His servants as are placed by Him in their keeping and care; and it is incumbent upon the Muslims to obey their caliphs and to help them to establish God's justice and His equity, to make the highways safe and prevent bloodshed, and to create a state of concord¹³ and unity of fellowship. Remissness in that¹⁴ [occasions] disturbance of the rope¹⁵ of the Muslims, disorder among them, variance within their confessional entity,¹⁶ oppression of their religion, superiority of their enemy, diversity in what they profess, and the forfeiture of this world and the world to come.¹⁷

4. It is incumbent upon him whom God has deputed on His earth and has entrusted with authority¹⁸ over His creation that he [exert himself for God and]¹⁹ prefer that in which God's pleasure and obedience to Him [are occasioned], act justly in that with which God may acquaint him and about which He may question him, judge with what is right, and act with justice in that with which God has charged and invested him. God, great and mighty is He, says to His prophet David, may

364 peace be upon him. //

O David, we have made you a *khalīfa* on earth: so judge between people justly, and follow not caprice, lest it lead you astray from the way of God. Surely those who go astray from the way of God – there awaits them terrible chastisement, for that they have forgotten the day of reckoning.²⁰

12 While al-Walīd's letter refers to the *sunna/sunan* of God, here the *sunan* are those of Islam.

13 *Ṣalāḥ dhār al-bayn*: cf. al-Walīd's letter §7 and note 43 thereto.

14 Sibṭ b. al-Jawzī reads *wa-ṣīkhilāf dhālikā* where al-Qalqashandī reads *wa-ṣīkhilāl dhālikā*.

15 Sibṭ b. al-Jawzī reads *amr* where al-Qalqashandī reads *ḥabīl*. In al-Walīd's letter, the caliphs strengthen the strands of God's rope (§3); cf. Qur., 3:98, 108.

16 *Ikhlāṣ millatihim*.

17 There is fairly close correspondence between this sentence and the fourth sentence of §5 of al-Walīd's letter.

18 Reading *wa-ittamanahu* (deleting the *hamzat al-qas'* on the *alif* and reading a *shadda* on the *tā'*, in place of the typographical errors in the text as it appears in the *Ṣubḥ*).

19 This addition is given by Sibṭ b. al-Jawzī.

20 Qur., 38:25.

untwisted the rope (*marr*) of the people of schism and enmity, [those given to] striving for disunity and looking out for²⁷ sedition.

[The exertions of al-Ma'mūn himself]²⁸

6. The Commander of the Faithful has not ceased [to exert himself in this regard]²⁹ since the caliphate passed to him and he experienced its dry and bitter taste, the weight of its load and the severity of its burden, and what is incumbent upon him who takes it upon himself by way of cleaving to obedience to God and fearing His punishment in respect of that with which He has charged him. He has wearied // his body, has caused his eye to be sleepless, and has given prolonged thought to that [matter] in which [there are at stake] the might of the religion, the subduing of polytheists, the well-being of the *umma*, the spreading of justice, and the maintaining of the book and the *sunna*; and [all of] that has denied him tranquillity and repose in a life of ease.³⁰ [He has done so] cognisant of that about which God will question him and desiring to meet God in a state of sincerity to Him³¹ in respect of His religion and His servants, choosing for the succession by his covenant and for the care of the *umma* after him the most excellent person possible in terms of religion, piety and knowledge and the one from whom the most can be hoped for in implementing God's commandment and right. [He has done so] communing with God in a desire for His blessing in that [regard] and asking Him day and night to inspire him with that in which His pleasure and obedience to Him [are to be found], employing his mind and insight in his quest and his search among³² his *ahl bayt* from the descendants of 'Abdallāh b. al-'Abbās and 'Alī b. Abī Tālib, satisfying himself with what he knew of those whose situation and persuasion (*madhab*) he knew [already]³³ and exerting effort and energy in enquiring about those whose circumstances were not known to him, until he penetrated deeply into their affairs with his perception, put information about them to the test before his own eyes, and discovered by interrogation what they were about.

27 Preferring Sibīl b. al-Jawzī's *al-tarabbus* to al-Qalqashandī's *al-rasfād*.

28 Cf. § 10 of al-Wāhid's letter, where 'ever since God deputed him, the Commander of the Faithful has not had a greater preoccupation or concern than this covenant...'.³⁴

29 Added by us; as Ḫafwat points out, the sense is obvious from the context.

30 Sibīl b. al-Jawzī reads *al-his̄z wa'l-dā'a wa-maḥnū al-'aysh* where al-Qalqashandī reads *al-khaṣṣa'īl-dā'a bi-hanīyāl-'aysh*. The sentence as a whole to some extent reflects § 11 of al-Wāhid's letter.

31 Sibīl b. al-Jawzī reads *munāṣiḥān* where al-Qalqashandī reads *munāṣiḥāhu*.

32 Preferring Sibīl b. al-Jawzī's *fi* to al-Qalqashandī's *min*.

33 Sibīl b. al-Jawzī's reading *muqtaṣirān fī man 'alimahā lahu wa-madhabahuminhūn 'alā 'l-haqqaq 'ilmān* is judged by Gabrieli to be 'assai più confuso' than al-Qalqashandī's *muqtaṣirān fī man 'alimahā lahu wa-madhabahahu minhūn 'alā 'ilmīhi*.

after him, in the name of God and His blessing and the goodness of His decree for His religion and His servants, an oath for which you [willingly] stretch out your hands and to which your hearts are joyously disposed. [Do so] being cognisant of what the Commander of the Faithful has thereby desired, having preferred in it (i.e. the giving of allegiance) obedience to God and regard for himself as well as for you. [Do so] thanking God for His counsel, with which He has inspired the Commander of the Faithful in [the matter of] taking care of you, and for His solicitude for your guidance (*rushd*) and well-being (*salāh*), and hoping for the benefit of that,⁴² by way of the uniting of your fellowship, the sparing of your blood, the bringing of you together after dispersal, the defence of your frontier-ways of access, the strength of your religion, the subduing⁴³ of your enemy, and the good state of your affairs. Hasten to obedience to God and obedience to the Commander of the Faithful. It is a matter in which, if you hasten to it and praise God for it, you will know good fortune, God willing.⁴⁴

42 Preferring Sibṭ b. al-Jawzī's 'ā'idah *dhālikā* to al-Qalqashandī's 'ā'idah *uṣṭ dhālikā*.

43 Preferring Sibṭ b. al-Jawzī's *qam'* to al-Qalqashandī's *raghm*.

44 Sibṭ b. al-Jawzī adds, 'Written by his [own] hand on 7 Ramaḍān, 201 [= 29 March, 817]'.
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This new study examines how religious authority was distributed in early Islam. It argues the case that, as in Shi'ism, it was concentrated in the head of state, rather than dispersed among learned laymen as in Sunnism. Originally the caliph was both head of state and ultimate source of religious law; the Sunni pattern represents the outcome of a conflict between the caliph and early scholars who, as spokesmen of the community, assumed religious leadership for themselves. Many Islamicists have assumed the Shi'ite concept of the imamate to be a deviant development. In contrast, Patricia Crone and Martin Hinds argue that it is an archaism preserving the concept of religious authority with which all Muslims began.

The cover illustration shows the reverse of a dirham dated 75AH/694-5 AD, in the caliphate of 'Abd al-Malik b. Marwan, probably struck in Damascus. The standing figure is the Caliph himself, bearded and wearing Arab head-dress, with his right hand resting on his sword-hilt *amīr al-mu'minīn* (Commander of the Faithful), the right-hand *khalīfat Allāh* (Caliph of God). Note also the star and crescent in each of the four segments. Photograph reproduced by permission of the State Historical Museum, Moscow.

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